

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

C.R.P.(PD).No.515 of 2015

V. Sundara Naicker ... Petitioner

Versus

S.N. Sundara Mudaliar ... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to allow this Civil Revision Petition and to set aside the fair and decree passed in I.A.No.3092 of 2014 in O.S.No.3181 of 2010 dated 09.01.2015 on the file of the learned III Assistant City Civil Court, Chennai.

For Petitioner : Mr.G.Veerapathiran

For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed by the petitioner challenging the fair and decretal order dated 09.01.2015 in I.A.No.3092 of 2014 in O.S.No.3181 of 2010 on the file of the learned III Assistant City Civil Court, Chennai.

2. It is stated by the petitioner/defendant that pending the suit, the respondent herein/plaintiff had refused to receive the monthly rent. Therefore, the petitioner/defendant had filed an application in I.A.No.3092 of 2014 before the Court below seeking to permit him to deposit the arrears of rental amount

from the period of April 2010 to December 2013 at the rate of Rs.75/- per month. The Court below, by observing that the monthly rental amount is very meagre and without determining the real rent and by further observing that if the rent amount is permitted to be deposited, it would create multiplicity of the proceedings, has rejected the application. Challenging the same, the present revision petition has been filed.

3. Heard the learned counsel appearing for the petitioner. Though notice has been served on the respondent and counsel's name is printed in the cause list, today none appeared on his behalf. As such, it can only be construed that the respondent herein has no remarks to offer.

4. Learned counsel for the petitioner submits that from a perusal of the plaint, it could be seen that the respondent himself has stated that the present monthly rent payable by the petitioner herein is Rs.75/- only and hence, the arrears amount has been calculated on the same rate. Though the rent amount of Rs.75/- per month seems to be very meagre, in view of the admission of the respondent/plaintiff, it would be appropriate to permit the petitioner to deposit the rent amount to the credit of the suit.

5. Considering the facts and circumstances of the case, this Court is of the view that rent amount can be permitted to be deposited by the petitioner. Though this Court is inclined to permit the petitioner to deposit the arrears of rental amount, it is made clear that this Court has not accepted or given any

month, which issue can be deliberated, during the course of trial and final arguments. Further, since the civil revision petition has been pending from the year 2015 onwards, it would be appropriate to direct the petitioner to deposit the rent till the month of December 2018.

6. In the light of the above observations, the impugned order passed in I.A.No.3092 of 2014 in O.S.No.3181 of 2010, dated 09.01.2015 on the file of the III Assistant City Civil Court at Chennai, is set aside. Consequently, the petitioner herein is permitted to deposit the alleged monthly rent at the rate of Rs.75/- per month from April 2010 to December 2018 to the credit of the suit in O.S.No.3181 of 2010, within a period of ten days, from the date of receipt of a copy of this order.

7. Accordingly, the Civil Revision Petition stands disposed of. No costs.

19.12.2018

Index : Yes/No

Internet : Yes/No

Speaking / non-speaking order

rli/klt

To

The III Assistant City Civil Court, Chennai.

M.S.RAMESH. J,

klt



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