

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP (NPD) No.350 of 2017
and
C.M.P.No.1584 of 2017

M/s.Jayabharatham Furniture &
Appliances Pvt. Ltd.,
Represented by its General Manager,
Mr.T.Vedachalam,
having office at Old No.35, New No.69,
Thiru.Vi.Ka High Road,
Royapettah, Chennai - 14. .. Petitioner

-Vs-

B.Srinivasan .. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decretal order dated 30.11.2016 passed in M.P.No.263 of 2016 in R.C.A.No.450 of 2016 by the learned IX Judge, Small Causes Court, Chennai, thereby directing the petitioner to pay 25% (Rs.20,59,565/-) of the determined amount (Rs.82,38,258/-) by the rent controller on or before 07.01.2017.

For Petitioner : Mr.M.L.Ganesh

For Respondent : Mr.K.S.Madhavan

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ORDER

This Civil Revision Petition has been filed against the order and decretal order dated 30.11.2016 passed in M.P.No.263 of 2016 in R.C.A.No.450 of 2016 by the learned IX Judge, Small Causes Court, Chennai, thereby directing the petitioner to pay 25% (Rs.20,59,565/-) of the determined amount (Rs.82,38,258/-) by the rent controller on or before 07.01.2017.

2. According to the petitioner that petitioner has filed an appeal as against the order passed in M.P.No.175 of 2016 in R.C.O.P.No.1754 of 2015 dated 05.08.2016 under Section 11 (3) and 11 (4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. The petitioner has filed an application in M.P.No.263 of 2016 in R.C.A.No.450 of 2016 for stayed the proceedings in R.C.O.P.No.1754 of 2015. Pending disposal of the appeal, the Appellate Court has granted an Interim stay and directed the petitioner to deposit 25% of the determined amount by the Rent Controller (i.e.) of Rs.20,59,565/- on or before 07.01.2017, failing which the stay will be automatically cancelled. Challenging the aforesaid order, the present Civil Revision Petition is filed before this Court.

3. At this stage, the learned counsel appearing for the

petitioner submitted that the conditional order passed by the Appellate Court has not been complied with so far.

4.The learned counsel appearing for the respondent would submit that there is an arrears of rent and the petitioner has to pay the arrears of rent for more than Rs.1,00,00,000/- (Rupees one crore only). But, however the respondent has requested this Court to pass appropriate orders and direct the Appellate Court to dispose of the appeal within a time as may be fixed by this Court.

5.The learned counsel appearing for the petitioner undertakes to co-operate for the disposal of the appeal pending before the Appellate Court, within the time fixed by this Court.

6.By considering the above facts and submissions of the counsel for the parties, this Court is inclined to pass the following orders.

(i) The petitioner has already deposited a sum of Rs.10,00,000/- out of Rs.82,38,258/- to the credit of the Small Causes Court, Chennai in R.C.A.No.450 of 2016. Therefore, the order passed in M.P.No.263 of 2010 in R.C.A.No.450 of 2016 dated 30.04.2016 is partly modified to the above said extent.

(ii) In view of the undertaking given by the parties concerned, the Appellate Court is directed to dispose of the R.C.A.No.450 of 2016 as expeditiously as possible in accordance with law preferably on or before 30.04.2018 after providing opportunity to the parties concerned.

7.The Civil Revision Petition is partly allowed with the above terms, without prejudiced to the respondent, it is open to the petitioner to file an appropriate application for withdrawal of the deposited amount of Rs.10,00,000/- before the Appellate Court. No order as to costs. Consequently, the connected Miscellaneous Petition is closed.

26.02.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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To

The IX Judge,
Small Causes Court,
Chennai.

D. KRISHNAKUMAR J.,

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