

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 525 of 2018

1. S. Kumaresan
2. S. Gunaseelan

... Petitioners

Vs

M/s. Eye Vision Optics
rep. by its Sole Proprietrix
Mrs. M. Swapna

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order (docket order) passed by the Principal District Munsif-cum-Rent Controller, Poonamallee ordering notice to the respondent/ Tenant on 06.02.2018 and posting E.P. No.5 of 2018 in RCOP No. 10 of 2017 to 06.03.2018 and consequently direct the learned Judge to order delivery in the E.P. as per the provisions of Order 21 Rule 22 CPC.

For Petitioners : Mr. K.S. Kumar

ORDER

This revision petition is filed against the order (docket order) passed by the Principal District Munsif-cum-Rent Controller, Poonamallee ordering notice to the respondent/ Tenant on 06.02.2018 and posting E.P. No.5 of 2018 in RCOP No. 10 of 2017 to 06.03.2018 and consequently direct the learned Judge to order delivery in the E.P. as per the provisions of Order 21 Rule 22 CPC.

2. The learned counsel for the petitioners would submit that the court below has issued eviction notice to the respondent, pursuant to the non-compliance of the conditional order passed in RCOP No.10/2017 dated 31.10.2017. According to the petitioners, the court below without considering the provisions under Order XXI Rule 22 of CPC has issued the notice to the respondent. As per the aforesaid provisions, if the execution petition is filed within two years, ordering notice to the respondent will not arise.

3. Considering the submission of the learned counsel for the petitioner, without following the provisions the Executing Court has

passed the order. Hence, this Court is inclined to set aside the notice order dated 06.02.2018 and direct the court below to consider the provisions under Order XXI Rule 22 of CPC and pass orders, in accordance with law, as expeditiously as possible.

4. The Civil Revision Petition is disposed of, with the above direction. No costs.

12.02.2018

Index : Yes/ No

Speaking order/ Non speaking order

[Issue order copy on 14.02.2018]

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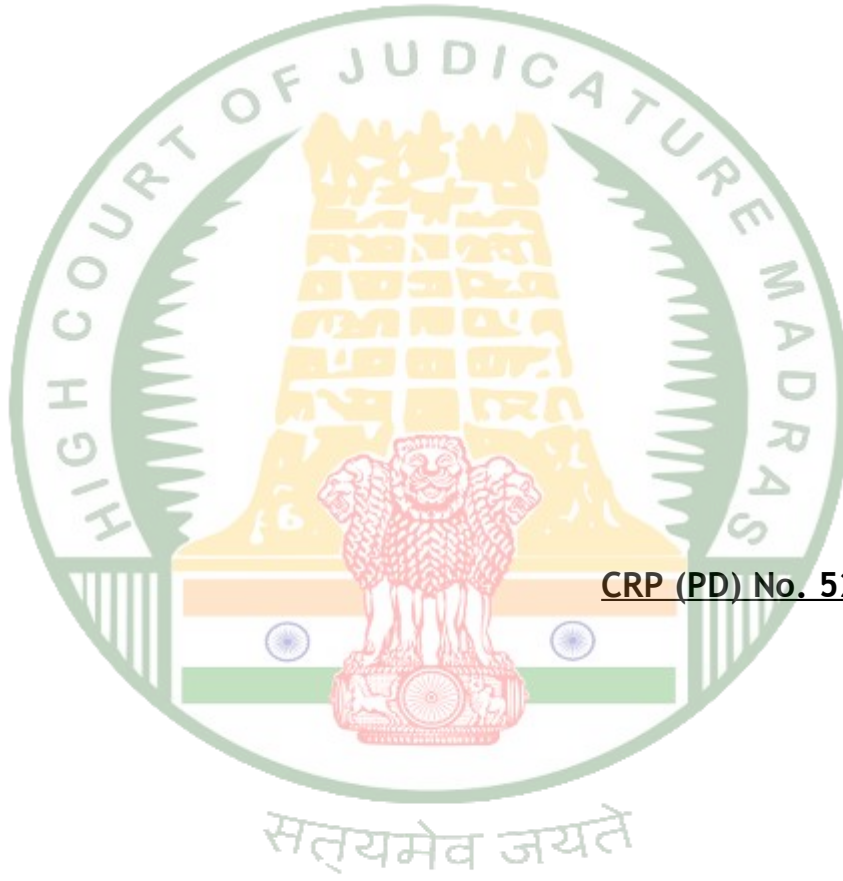
To

The Principal District Munsif
-cum-Rent Controller,
Poonamallee
Chennai.

सत्यमेव जयते
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D. KRISHNAKUMAR J.,

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