

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.565 of 2018
and CMP.No.3042 of 2018

P.Lokesan

.. Petitioner

Vs

K.Rathinam

.. Respondent

PRAYER

Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the order and decreetal order passed in MP.No.17 of 2018 in RCA.No.502 of 2017 dated 19.01.2018 on the file of the learned VII Judge, Small Causes Court, Chennai.

For Petitioner

: Mr.V.V.Sairam

For Respondent

: Mr.J.Vijay Shankar

ORDER

According to the revision petitioner, the respondent has filed

a petition in RCOP.No.982 of 2016 for eviction. In the aforesaid petition, the respondent has also filed an application in MP.No.49 of 2017 to direct the respondent to pay the arrears of rent. The court below directed the revision petitioner to pay the monthly rent from the month of July 2015 and May 2017 at the rate of Rs.19,000/- per month and to pay the future rent. Against the said order, the revision petitioner filed an appeal in RCA.No.502 of 2017. In the aforesaid appeal, the revision petitioner has also filed an application in MP.No.17 of 2018 to stay the operation of the order and decretal order dated 06.06.2017 passed in MP.No.49 of 2017 in RCOP.No.982 of 2016. The Appellate court has allowed the aforesaid application on condition that the revision petitioner shall deposit to the credit of the above RCA.No.502 of 2017, the rental arrears (i.e.) Rs.5,70,000/- on or before 05.02.2018. Against the said order, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. The learned counsel appearing for the respondent /

caveator would fairly submit that if the 50% of the conditional order is complied with by the revision petitioner, this Court may direct the Appellate court to dispose of the said RCA within the time frame as may

be fixed by this Court.

3. On instruction, both the parties undertake to cooperate for disposal of the above RCA.

4. In view of the aforesaid facts and the submissions made by the counsel for both the parties, this Court is inclined to pass the following orders.

(i) The order of the Appellate court in MP.No.17 of 2018 is modified to the extent the revision petitioner shall pay 50% of the amount as ordered by the Appellate court in the petition in MP.No.17 of 2018 in RCA.No.502 of 2017 within a period of six weeks from the date of receipt of a copy of this Order, failing which the present Civil Revision Petition stands dismissed without reference to this Court.

(ii) The Appellate court is directed to dispose of the RCA.No.502 of 2017 on merits and in accordance with law as expeditiously as possible preferably on or before 30.07.2018.

(lii) Both the parties are directed to cooperate for disposal of the above RCA.

5. Thus, the Civil Revision Petition is partly allowed with above directions. Consequently, the connected miscellaneous petition is closed. No costs.

6. For reporting compliance, post the matter after six weeks.

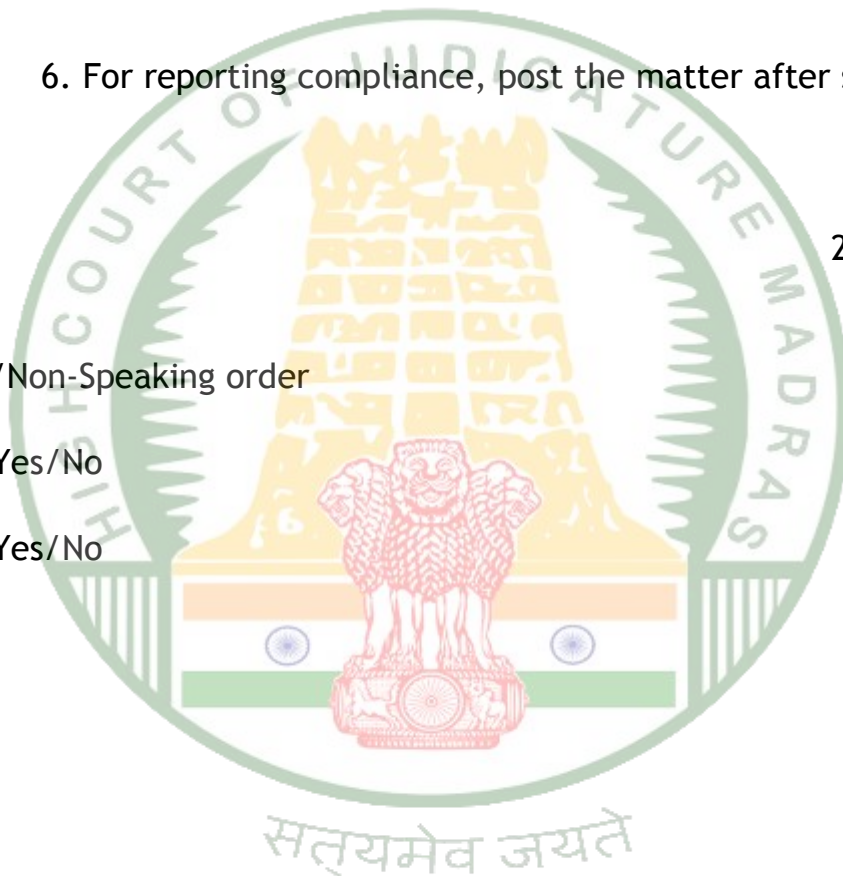
20.02.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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To

The learned VII Judge,
Small Causes Court, Chennai.



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D. KRISHNAKUMAR J.,

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