

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

C.R.P.(PD)No.3509 of 2018

1. N.Somasundaram
2. N.Saroja
3. Uma Maheshwari

... Petitioners

Vs

M.S.Seetharaman

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Principal District Munsif, Alandur, to dispose of M.P.No.189 of 2017 in R.C.O.P.No.96 of 2016.

For Petitioners : Mr.R.Bharath Kumar

ORDER

The revision petition on hand is filed for a direction to direct the learned Principal District Munsif, Alandur to dispose of M.P.No.189 of 2017 in R.C.O.P.No.96 of 2016.

2. The learned counsel appearing on behalf of the revision petitioners made a submission that the revision petitioners are the petitioners in

R.C.O.P.No.96 of 2016. The Rent Control Original Petition was filed for eviction of the tenant on the ground of wilful default and for owners' occupation. The miscellaneous petition in M.P.No.189 of 2017 was filed by the revision petitioners for recovery of arrears of rent due to the landlords.

3.The grievances of the revision petitioners are that the miscellaneous petition was filed in the year 2017 and the learned Principal District Munsif, Alandur, has granted 30 adjournments without assigning any valid reasons and the respondent tenant is prolonging and protracting the matter for his personal gains and he is continuing in the premises even without paying the rent to the landlords.

4.At the first instance, this Court has to consider the fact that the revision petitioners are the landlords admittedly. There is no dispute in respect of the title and ownership, in respect of the property in question. The simple fact required for the purpose of considering the miscellaneous petition is that, whether the tenant is paying the rent to the landlords or not. For deciding such a simple issue, if 30 adjournments are granted, the very spirit and object of the State Litigation Policy is defeated. Courts must be cautious while dealing with such simple petitions with limited issues. Unnecessary adjournments are to be averted

and the Courts cannot grant adjournments in a routine manner. If unnecessary adjournments are sought for, cost must be imposed and the Courts can never show any leniency in respect of grant of adjournments without any valid reason. Adjournments can never be granted as a rule and adjournments are only an exception.

5.This being the principles to be followed, this Court is of an opinion that 30 adjournments granted in respect of the miscellaneous petition filed by the revision petitioner for payment of arrears of rent is certainly unreasonable and therefore, this Court is inclined to consider the present revision petition.

6.Accordingly, the learned Principal District Munsif, Alandur, is directed to dispose of the M.P.No.189 of 2017 in R.C.O.P.No.96 of 2016 within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, the Civil Revision Petition stands allowed. No

Costs.

mkn/ssr

08.11.2018

S.M.SUBRAMANIAM, J.

mkn/ssr

Index : Yes
Internet : Yes
Speaking order

To

The Principal District Munsif,
Alandur.



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