



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

C.R.P(MD)No.422 of 2018 (PD)
and
C.M.P. (MD).No.1854 of 2018

Jenefir Nirmalsingh

.. Petitioner /
Respondent / Respondent

Vs.

M/s.Pearl City Engineering Builders,
rep. by its partners,
1.S.Ramesh Kumar
2.S.Suresh Kumar
having its Office at
46 A/2 H, Palayamkottai Road,
Thoothukudi,
Thoothukudi District.

... Respondent /
Petitioner / Petitioner

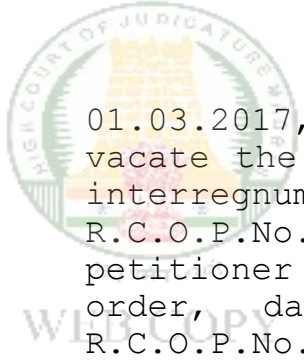
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order, dated 14.02.2018, passed in E.P.No.96 of 2017 in R.C.O.P.No.5 of 2016 by the learned Rent Controller cum Principal District Munsif, Thoothukudi.

For Petitioner	:	Mr.C.Jegannathan for M/S.Veera Associates
For respondent	:	Mr.M.P.Senthil

ORDER

This civil revision petition has been filed by the revision petitioner / tenant as against the order, dated 14.02.2018, passed in the execution petition in E.P.No.96 of 2017 in R.C.O.P.No.5 of 2016 by the learned Rent Controller cum Principal District Munsif, Thoothukudi.

2.The respondent / landlord had filed a petition in R.C.O.P.No.5 of 2016 for willful default in payment of the rent from October, 2015 and for own occupation. The respondent / landlord had also filed I.A.No.143 of 2016 seeking a direction to the revision petitioner / tenant to deposit the arrears of rent and the same was ordered on 16.02.2017 directing the revision petitioner / tenant to deposit the arrears of rent of Rs.3,75,000/- on or before



01.03.2017, failing which the revision petitioner / tenant shall vacate the said premises within a period of one month. During the interregnum period, the revision petitioner / tenant has filed R.C.O.P.No.28 of 2017 for fixation of fair rent. The revision petitioner / tenant has also preferred an appeal, as against the order, dated 16.02.2017, passed in I.A.No.143 of 2016 in R.C.O.P.No.5 of 2016 before the Rent Control Appellate Authority, but the same is pending in delay condonation stage. While so, the respondent / landlord had filed E.P.No.96 of 2017 and the same was, after hearing both sides, ordered holding that the revision petitioner / tenant did not even take any steps to deposit Rs.3,75,000/-. Aggrieved by that order, the revision petitioner / tenant has filed this revision petition.

3. When the matter came up for admission on 27.02.2018, considering the fact that the revision petitioner / tenant did not deposit single pie as the arrears of rent, even after the order, dated 16.02.2017, passed by the Court below and there was also no prohibitory order for passing any order in the execution petition filed by the respondent / landlord, this Court expressed its opinion to dismiss the revision petition, but, the learned counsel for the revision petitioner / tenant requested this Court stating that due to financial crisis, the revision petitioner / tenant could not deposit the arrears of rent, as directed by the Court below and that the revision petitioner / tenant is ready to deposit 25% of the amount. When this Court posed a question as to whether the revision petitioner / tenant is ready to deposit the entire amount or not, for which the learned counsel for the revision petitioner sought for time to get instructions.

4. Today, when the matter came up for hearing, the learned counsel for the revision petitioner / tenant submitted that if some more time is granted, the revision petitioner / tenant is ready to deposit the entire amount. Admittedly, the direction to deposit the arrears of rent has been given on 16.02.2017. Now, almost one year is lapsed and the arrears are being mounted. Even then, the revision petitioner / tenant wants time. The attitude of the revision petitioner / tenant in non payment of the arrears of rent would give an impression that in order to drag on the proceeding, he has filed this civil revision petition. This Court does not find any reason to interfere with the order passed by the Court below.

5. In view of the above, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(T & P)

/True copy/



To

1.The Principal District Munsif(Rent Controller),
Tuticorin.

2.The Record Keeper, (2 Copies)

V.R. Section,

Madurai Bench of Madras High Court,
Madurai.

+1CC TO M/S.VEERA ASSOCIATES, ADVOCATE, SR NO.52360

+1CC TO M/S.M.P.SENTHIL, ADVOCATE, SR NO.52659

order made in

C.R.P (MD) No.422 of 2018 (PD)

01.03.2018

gcg

MS/KK/SAR-2/21.03.2018/3P.6C