



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2018

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.436 of 2018

G.R.Sankarlal

... Revision Petitioner / Petitioner
/ Landlord

vs.

S.Kamaraj

... Respondent / Respondent /
Tenant

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned I Additional District Munsif, Madurai Town to dispose of the case in R.C.O.P.No.63 of 2016 within a stipulated time frame.

For Petitioner : Mr.P.V.Surendran

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned I Additional District Munsif, Madurai Town, to dispose of the case in R.C.O.P.No.63 of 2016, within a stipulated time as may be fixed by this Court.

2. The brief facts of the case are as follows:

2.1. According to the petitioner, the suit mentioned property belongs to him and R.C.O.P.No.52 of 2012 was filed against the respondent for eviction under Sections 10(2)(i), 10(3)(a)(iii) & 14(i)(b) of the Rent Control Act. The said R.C.O.P., was dismissed on 28.02.2013, against which, R.C.A.No.20 of 2013 was filed. According to the petitioner, though R.C.O.P. was dismissed, there is a specific finding with regard to his ownership and against the same, the respondent/tenant has not filed any appeal. Thereafter, the petitioner/landlord, pending R.C.A., proceedings, has filed I.A.No.122 of 2013 under Section 11(4) of the Rent Control Act, claiming arrears of rent for the period from 01.10.2009 to 31.05.2013, which was allowed and the respondent/tenant was directed to deposit a sum of Rs.48,400/-. Challenging the said I.A., the respondent/tenant has filed C.R.P.(MD)No.468 of 2014 and the same was allowed on 17.03.2014, however, the petitioner herein/landlord was permitted to withdraw the deposited sum of Rs.48,400/-. In the mean time, R.C.A.No.20 of 2013 was dismissed and challenging the same, C.R.P.(MD)No.2414 of 2014 was filed and the same was also



dismissed on 05.05.2017.

2.2. Now, the grievance of the petitioner/landlord is that the respondent/tenant, right from 01.06.2013, instead of paying the rent, is depositing the same in one of his own Bank Account and that too, without any permission, whatsoever. In view of the same, the petitioner/landlord has filed the present R.C.O.P.No.63 of 2016, seeking eviction, on the ground of wilful default right from 01.06.2013 onwards. In the meanwhile, I.A.No.116 of 2016 was filed and the same is being adjourned, right from 23.08.2016. It is the contention of the learned Counsel for the petitioner that in view of the pendency of I.A.No.116 of 2016, the main R.C.O.P., itself is being adjourned and hence, the petitioner is before this Court seeking a direction to the Court below for early disposal of the R.C.O.P., proceedings.

3. Heard the learned Counsel for the petitioner and perused the materials available on record. Notice to the respondent is dispensed with, since the prayer itself is for a limited scope seeking early disposal.

4. Perusal of the B-Diary Extract would show that the pendency of I.A.No.116 of 2016 was recorded and for the past five months, the matter has been continuously adjourned only under the caption 'for orders'.

5. Considering the facts and circumstances of the case and in the interest of justice, the learned I Additional District Munsif, Madurai Town, is directed to dispose of R.C.O.P.No.63 of 2016, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

6. With the above directions, this Civil Revision Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The I Additional District Munsif,
Madurai Town.

+ 1 CC TO Mr.P.V.SURENDRAN, ADVOCATE IN SR No. 52848

GK

TE/KKR/SAR-1 : 23/03/2018 : 2P/3C

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