



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.443 of 2018

and

C.M.P. (MD) No.1940 of 2018

Raj : Petitioner / Judgment Debtor /
Respondent

vs.

Raj Kumar : Respondent / Decree Holder /
Petitioner

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the Rent Control Tribunal (District Munsif Court), Virudhunagar to entertain the lodgment schedule filed by the petitioner to permit him to deposit the arrears of rent and rent for a current period in S.R.No.499 dated 02.02.2018 in E.P.No.14/16 in R.C.O.P.No.7 of 2013.

For Petitioner : Mr.M.Jothibas
For Respondent : Mr.G.Mariappan

ORDER

This Civil Revision Petition has been filed seeking to direct the Rent Control Tribunal (District Munsif Court), Virudhunagar to entertain the lodgment schedule filed by the petitioner to permit him to deposit the arrears of rent and rent for the current period in S.R.No.499 dated 02.02.2018 in E.P.No.14 of 2016 in R.C.O.P.No.7 of 2013.

2. The respondent / landlord has filed R.C.O.P.No.7 of 2013 for eviction, which was allowed and thereby, eviction was ordered. Challenging the same, the petitioner / tenant has opted for appeal provisions and went upto civil revision petitions before this Court in C.R.P.(MD) Nos.1816 & 1817 of 2017, wherein, an undertaking affidavit was filed stating that the petitioner will vacate the premises by 31.10.2018. Recording the same, the civil revision petitions were disposed of by order dated 27.10.2017, directing the petitioner / tenant to pay the monthly rent on or before 5th of every English Calender month; to clear the arrears of rent in twelve equal monthly installments; and permitted the petitioner to occupy the premises till 31.10.2018.



3. Alleging that the respondent / landlord refused to receive the rent, the petitioner has filed lodgment schedule before the Court below so as to deposit the rent before the Court and the same was returned by the learned Judge, pointing some discrepancies. In the mean time, the respondent / landlord has filed three applications in E.A.Nos.6, 7 & 8 of 2018 to direct the VAO, Kottaipatti Village to provide necessary assistance to evict the petitioner; to provide police protection and to break open the lock and the same were allowed on 15.02.2018. Now, the petitioner /tenant, by way of this revision petition, is before this Court for the aforesaid relief.

4. When the matter came up for admission, the learned Counsel for the petitioner submitted that the petitioner is ready and willing to pay the arrears as well as current rent. To show the *bona fide*, the learned Counsel for the petitioner has produced a Demand Draft for a sum of Rs.20,315/- towards arrears of rent, upto 01.03.2018.

5. Upon the direction of this Court, the said Demand Draft for a sum of Rs.20,315/- (arrear rental amount upto 01.03.2018), was handed over to Mr.G.Mariappan, learned Counsel appearing for the respondent.

6. The learned Counsel for the respondent, on the other hand, would refute the allegations levelled against him and he would fairly submit that he will not press the applications seeking police protection and break open the lock. However, he would draw the attention of this Court that in an earlier occasion, this Court, by recording the undertaking given by the petitioner that he will vacate the premises by 31.10.2018, has directed the petitioner to pay the rent on or before 5th of every English Calendar month and despite the same, the petitioner has not honoured the said order.

7. In view of the same, this civil revision petition is disposed of, directing the petitioner to honour his undertaking as well as the earlier order of this order, by remitting the monthly rent on or before 5th of every month, till he vacate the premises. It is made very clear if the petitioner fails to pay the same, the respondent / landlord is at liberty to proceed for eviction without filing any formal application. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

The District Munsif Judge,
The Rent Control Tribunal,
Virudhunagar.

+ 1 cc TO M/S.G.M.Law Office , Advocate in SR No. 54649

+ 1 cc TO Mr.G.Mariappan , Advocate in SR No. 55124

gk

AE/JC/SAR2/23.03.2018/3P/4C

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