



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P.(MD)No.801 of 2018

V. Kalyanasundaram

.. Petitioner

Vs.

T. Nagarajan

.. Respondent

PRAYER: This petition is filed under Article 227 of the Constitution of India to set aside the order in unnumbered E.P.No. ... RCOP.No.2 of 2016, dated 16.03.2018, on the file of the Rent Controller-Cum-Principal District Munsif, Aruppukottai.

For Petitioner

: Mr. C. Godwin

ORDER

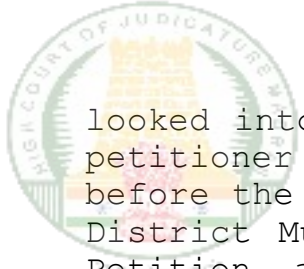
This Civil Revision Petition has been filed to set aside the order in unnumbered E.P.No. ... RCOP.No.2 of 2016, dated 16.03.2018, on the file of the Rent Controller Principal District Munsif, Aruppukottai.

2. Based on the decree passed in RCOP.No.2 of 2016, dated 06.02.2018, the petitioner has filed an Execution Petition for executing the decree. But, the learned Rent Controller-Cum-Principal District Munsif, Aruppukottai, has returned the papers by saying that the Tamil Nadu Regulations of Rights and Responsibilities of Landlords and Tenants Act, 2017, has come into force and hence, this Court has no jurisdiction to entertain this petition and therefore, the petition is to be filed before the appropriate forum, as per the new "Act". Against the said order, the petitioner has filed the present Civil Revision Petition.

3. Heard the learned counsel appearing for the petitioner.

4. Admittedly, the learned Rent Controller-Cum-Principal District Munsif, Aruppukottai has passed an order in RCOP.No. 2 of 2016, dated 16.03.2018. Since the original decree was passed in RCOP, further proceedings in the Execution Petition is a continuous proceedings and therefore, the learned Judge should not return the papers by saying that the said "Act" has come into force.

5. It is made clear that the Court below viz., the learned Rent Controller-Cum-Principal District Munsif, Aruppukottai, must be



looked into the said "Act" and if the "Act" came into force, the petitioner may approach the said Rent Controller only and not before the Regular Court. The learned Rent Controller-Cum-Principal District Munsif, Aruppukottai, is directed to number the Execution Petition and proceed with the same in accordance with law.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

The Rent Controller-Cum-Principal District Munsif, Aruppukottai.

Copy to:

The Section Officer
E.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.C.Godwin, Advocate, SR.No. 60888

C.R.P. (MD) No.801 of 2018
12.04.2018

trp

AM/SV MMS/SAR 4/23.04.2018/2P/4C