



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD)No.863 of 2018

and

C.M.P. (MD) .No.3757 of 2018

M.Raveendhiren

... Petitioner

Vs.

V.Mohamed Ali

... Respondent

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order of the Rent Controller (III Additional District Munsif), Tiruchirapalli, dated 20.02.2018 made in Memo in R.C.O.P.No.131 of 2015, rejecting the memo filed by the petitioner for joint trial.

For Petitioner : Mr.K.S.Vamsidhar

O R D E R

The Civil Revision Petition is filed against the order of the Rent Controller (III Additional District Munsif), Tiruchirapalli, dated 20.02.2018 made in Memo in R.C.O.P.No.131 of 2015, rejecting the memo filed by the petitioner for joint trial.

2. The petitioner, who is the tenant has originally filed R.C.O.P.No.131 of 2015 under Section 8(5) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, seeking the prayer to permit him to deposit the rent for the petition mentioned property into the Court. Thereafter, the respondent/landlord has filed R.C.O.P.No.11 of 2016 on the file of the Rent Controller (District Munsif), Tiruchirapalli under Section 10(2)(1) and 10(3) (a)(iii) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1973, seeking eviction of the petitioner/tenant on the ground of wilful default. While pendency of the R.C.O.Ps., the petitioner/tenant has filed a Joint Memo before the Rent Controller seeking for joint trial in R.C.O.P.No.131 of 2015 and R.C.O.P.No.11 of 2016, since the issues involved in both the petitions are one and the same. But the learned III Additional District Munsif, Tiruchirapalli has dismissed the Memo by saying that already the enquiry has been started in R.C.O.P.No.11 of 2016. Challenging the said order, the petitioner/tenant has filed the Civil Revision Petition.

3. I have heard the learned counsel for the petitioner and perused the materials placed before this Court.



4. This Court is of the view that the petitioner/tenant has filed the R.C.O.P.No.131 of 2015 before the Rent Controller for permitting him to deposit the rent into the Court and the respondent/landlord has filed R.C.O.P.No.11 of 2016 before the same Court for eviction against the petitioner/tenant and the issues involved in both the matters are one and the same and hence, both the matters can be decided in joint trial. Therefore, I am inclined to pass the following order:

the trial Court viz., the Rent Controller (III Additional District Munsif), Tiruchirapalli is directed to take up both the matters in R.C.O.P.No.131 of 2015 and R.C.O.P.No.11 of 2016 for joint trial and dispose of the same, on day-to-day basis, without giving any adjournment to either parties, within a period of three months from the date of receipt of a copy of this order. Both the parties are also directed to give their fullest co-operation for early disposal of R.C.O.P.No.131 of 2015 and R.C.O.P.No.11 of 2016.

5. With the above direction, the Civil Revision Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

The Rent Controller
(III Additional District Munsif),
Tiruchirapalli.

+1cc to Mr.K.S.Vamsidhar, Advocate sr.No.63490

AKV

VB/JC/SAR3/30.05.2018/2P/3C

C.R.P. (PD) (MD) No.863 of 2018
23.04.2018