



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.07.2018

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THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.908 of 2018

B.Kaliappan

... Petitioner/Respondent/Appellant

-vs-

K.Rajamani

... Respondent/Petitioner/Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and decreetal order dated 19.03.2018 made in I.A.No.195 of 2017 in R.C.A.No.32 of 2017 on the file of Principal Subordinate Court Madurai and to allow the above Civil Revision Petition.

For Petitioner : Mr.M.Vijayarathinam

For Respondent : Mr.M.Rajaraman

O R D E R

The revision petitioner herein (Tenant) has filed this petition against the respondent (Landlord), seeking to set aside the fair and decreetal order dated 19.03.2018 made in I.A.No.195 of 2017 in R.C.A.No.32 of 2017 on the file of Principal Subordinate Court Madurai, by which the arrears of rent were ordered to be paid to the Landlord or deposited to the Court on or before 19.04.2018.

2. R.C.O.P.No.88 of 2014 was filed by the Landlord / respondent herein for evicting the Tenant / revision petitioner herein so as to give vacant possession of the property to the Landlord, which was allowed by the learned Rent Controller. Aggrieved by the same, the Tenant filed appeal in R.C.A.No.32 of 2017 before the learned Principal Subordinate Judge, Madurai for setting aside the order passed in R.C.O.P.No.88 of 2014, which is pending consideration. During pendency of the appeal, the Landlord filed an application in I.A.No.195 of 2017, seeking a direction to the respondent for payment of arrears of rent, which was allowed by the learned Principal Subordinate Judge, Madurai. Challenging the said order, revision petitioner / Tenant is before this Court.

3. For the sake of brevity, the parties would be referred to as "Tenant (revision petitioner)" and "Landlord (respondent)".

4. When the matter is taken up for hearing, learned counsel for the petitioner / tenant has submitted that as per the interim direction of this Court dated 20.04.2018, the petitioner has already deposited 50% of the arrears of claim amount to the credit of RCOP No.88 of 2014 before the learned Rent Controller, Madurai. The said submission has been duly affirmed by the learned counsel for the respondent / Landlord.



5. Learned counsel for the respondent / landlord has further contended that in order to give quietus to the entire issue, a suitable direction may be issued to the learned Rent Control Appellate Authority for speedy disposal of the appeal.

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6. Considering the submissions made on either side and taking into account the fact that a part amount, as ordered by this Court, has been deposited by the Tenant, learned Principal Subordinate Judge, Madurai is directed to dispose of R.C.A.No.32 of 2017, within a period of two months from the date of receipt of a copy of this order. However, it is made clear that the learned Principal Subordinate Judge, Madurai shall dispose of the appeal on merits and in accordance with law, being uninfluenced by anything stated in this petition as well as in I.A.No.195 of 2017.

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

Sd/-

Assistant Registrar (CS-CO)

// True Copy //

Sub Assistant Registrar (CS-II)

To:

1. The Principal Subordinate Judge,
Madurai.
2. The Section Officer,
VR Section
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1cc to Mr.VIJAYA RATHINAM, Advocate, SR.No.74282
+1cc to Mr.M.RAJARAMAN, Advocate, SR.No.74068

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