



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.1760 of 2018

and

C.M.P. (MD) .No.7662 of 2018

Muthuraj

..Petitioner/Petitioner/Appellant

VS.

Narayanan @ Ramesh

Represented by his Power Agent K.Thiagarajan

..Respondent/Respondent/Respondent

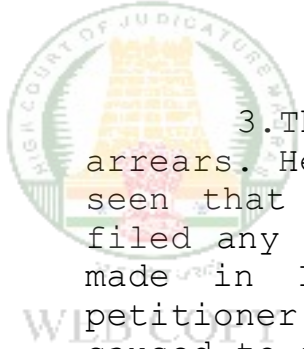
PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for records pertaining to fair and decreetal order passed in I.A.No.3 of 2016 in A.S.No.77 of 2014, dated 28.03.2018, pending on the file of the Sub Court, Sivagangai, and set aside the same and thereby allow the revision petition.

For Petitioner : Mr.N.Tamilmani

ORDER

The Revision Petitioner herein filed O.S.No.172 of 2011 on the file of the District Munsif, Sivagangai seeking permanent injunction that he would not be evicted except by due process of law. In the said suit, the defendant filed a counter claim. The suit filed by the petitioner herein was dismissed, while the counter claim was allowed. Challenging the same, the revision petitioner herein filed two first appeals in A.S.No.77 and 78 of 2014 before the Sub Court, Sivagangai. The petitioner herein filed interlocutory application in I.A.No.3 of 2016 seeking permission to deposit the monthly rent. The said interlocutory application was dismissed by order dated 28.03.2018. Questioning the same, this Civil Revision Petition has been filed.

2.Heard the learned counsel for the revision petitioner. In view of the nature of the order to be passed in this Civil Revision Petition, notice to the respondent is dispensed with.



3.The petitioner after all wants to deposit the rental arrears. He also wants to deposit the rent for every month. It is seen that before the Court below the respondent herein has not filed any counter. He does not appear to have opposed the prayer made in I.A.No.3 of 2016. In any event, by permitting the petitioner to deposit the monthly rent, no prejudice will be caused to the respondent herein. It is made clear that this Court has not adjudicated the merits of the claim. Likewise, the petitioner also cannot derive any extra advantage merely because of this application is allowed.

4.With the above clarification the order impugned in this Civil Revision Petition is set aside. I.A.No.3 of 2016 filed by the petitioner in A.S.No.77 of 2014 before the Sub Court, Sivagangai stands allowed. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To

- 1.The Subordinate Judge,
Sivagangai.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+ 1 CC TO MR.N.TAMILMANI, ADVOCATE IN SR NO. 79452

TM

BU/MK/RSK/SAR-2 : 18.09.2018 : 2P/5C

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