



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (NPD) (MD) .Nos.1038 and 1044 of 2016

President and Secretary,
S.K.V.High School Trust,
Pappanayakanpatti Village,
Thirumangalam Taluk,
Madurai District.

... Petitioner in both C.R.Ps.

Vs.

R.Selvaraj

... Respondent in both C.R.Ps.

Prayer: Civil Revision Petition is filed under Section 6-B of Tamil Nadu Cultivation Act r/w. Section 115 of C.P.C., against the order dated 26.02.2016 made in E.P.Nos.16 and 17 of 2013 in I.A.Nos.84 and 85 of 2011 in T.C.T.P.Nos.13 and 27 of 2008 on the file of Revenue Court, Madurai.

For Petitioner	:	Mr.PT.S.Narendera Vasam
For Respondent	:	Mr.N.Vallinayagam

O R D E R

The revision petitioner herein filed two petitions under the Tamil Nadu Cultivating Tenants Protection Act, 1955, for recovering the arrears of rent. They were for two sets of fasli periods. The Revenue Court passed orders directing the respondent to pay the arrears amount within a certain date. The respondent did not comply with the said direction. Therefore, the petitioner herein obtained leave from the Revenue Court for filing an execution petition. The leave was granted. In fact, while ordering such leave, the respondent was given one more opportunity to remit the arrears amount. Even though the respondent was given opportunity on two occasions, he did not avail the same. Therefore, the revision petitioner had filed E.P.Nos.16 and 17 of 2013. In the execution proceedings, the respondent got one more extension of time. Questioning the order granting extension of time in the execution proceedings, these Civil Revision Petitions have been filed.

2. It appears that the respondent had deposited the amounts in question before the treasury. But then that is only a subsequent



development. When the validity of the order granting him further extension itself is under question, the said subsequent deposit by the respondent cannot come to the rescue of the respondent herein.

3. The learned counsel appearing for the respondent contended that the orders passed by the Revenue Court originally are itself illegal and that they have been challenged by him by filing Civil Revision Petition before this Court and that they are still pending. But he would fairly state that no interim order was granted in the Civil Revision Petition and that is why the execution proceedings came to be levied.

4. This Court is concerned with only one question whether the Executing Court can grant extension of time. Such extension of time was granted twice. I am clearly of the view that in the execution proceedings, the Revenue Court could not have gone beyond the original order made in T.C.T.P.

5. In that view of the matter, the orders impugned in both the Civil Revision Petitions are set aside. It is pertinent to mention herein that the revision petitioner is a School Trust. The property measures an extent of 6 acres and 7 cents. The rent that has been fixed was only Rs.3,000/-. It was this amount of Rs.3,000/- for 6 acres and 7 cents that was not paid by the respondent/tenant. Both the Civil Revision Petition stands allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Revenue Court,
Madurai.

+1cc to Mr.PT.S.Narendera Vasan Advocate in SR.No.85507

C.R.P. (NPD) (MD) .Nos.1038 and 1044 of 2016
19.09.2018

AKV

NM SV SAR2 30.11.2018 2P 3C