



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2018

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.1291 of 2016

K.Ravikumar

... Petitioner

vs.

1.K.Murugan

Krishnan (Died)

Guruvammal (Died)

2.Pandi

3.Selvam

... Respondents

[Respondents 2 & 3 are given up]

PRAYER: Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, to set aside the fair and executable order dated 28.08.2015 passed in C.M.A.No.1 of 2014 on the file of the Subordinate Judge cum Rent Control Appellate Authority, Sivakasi reversing the fair and executable order dated 19.04.2013 passed in I.A.No.321 of 2012 in R.C.O.P.No.1 of 2005 on the file of the District Munsif cum Rent Controller, Sattur.

For Petitioner : MR.J.Barathan for
Mr.T.R.Jeyapalam

For R-1 : Mr.N.Dilipkumar

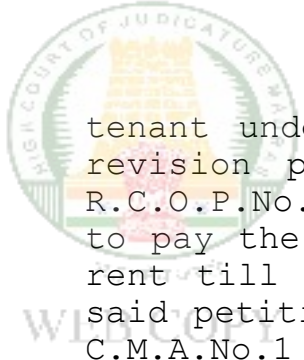
For R3 : Mr.Michal Bharathi

For R2 : Given up

ORDER

This civil revision petition has been filed by the revision petitioner / landlord, challenging the judgment passed in C.M.A.No.1 of 2014, in and by which, the order passed by the trial Court in I.A.No.321 of 2012 in R.C.O.P.No.1 of 2015 was set aside.

2. The revision petitioner / landlord has filed R.C.O.P.No.1 of 2005 for eviction. During the pendency of the RCOP, the 1st respondent / tenant has filed a suit in O.S.No.19 of 2008 claiming adverse possession before the Subordinate Court, Sivakasi and the same was decreed, against which, the revision petitioner / landlord has filed A.S.No.09 of 2010 and the same was allowed modifying the decree granted by the trial Court to the effect that the 1st respondent is entitled to be in possession of the suit property as a



tenant under the revision petitioner / landlord. Thereafter, the revision petitioner / landlord has filed I.A.No.321 of 2012 in R.C.O.P.No.1 of 2015 seeking a direction to the respondents / tenant to pay the arrears of rent to the tune of Rs.1,15,000/- and to pay rent till the end of the trial. The Court below has ordered the said petition, against which, the 1st respondent / tenant has filed C.M.A.No.1 of 2014 and the same was allowed holding that in view of the pendency of second appeal before this Court as against A.S.No.09 of 2010, the landlord and tenant relationship has not been finalised and therefore, direction given by the Court below cannot be countenanced.

3. When the matter came up for hearing today, both the parties submitted that now the second appeal filed by the 1st respondent / tenant in S.A.No.383 of 2017 is dismissed by a learned Single Judge of this Court, vide judgment dated 08.09.2017, confirming the judgment and decree passed by the first appellate Court in A.S.No.9 of 2010.

4. The sole ground on which the judgment impugned in this revision petition was passed, has now become futile and therefore, the order passed in I.A.No.321 of 2012 is liable to be restored and accordingly, it is restored. As the RCOP is of the year 2005, which is now stated to be posted for arguments, the Court below is directed to dispose of the RCOP on or before 30.04.2018.

5. This civil revision petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (T & P)

/True copy/

Sub Assistant Registrar

To

1.The Subordinate Judge cum
Rent Control Appellate Authority,
Sivakasi.

2.The District Munsif cum Rent Controller,
Sattur.

+1CC TO M/S.T.R.JEYAPALAM, ADVOCATE, SR NO.53536

+1CC TO M/S.D.DHANA CHANDRA PRAKASH, ADVOCATE, SR NO.53561

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gk

MS/SKN-RSK/SAR-2/12.03.2018/2P.5C