



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD).No.1622 of 2018 and
C.M.P. (MD)No.7159 of 2018

M.Harikrishnan

... Petitioner/Respondent/
Respondent/Tenant

Vs.

1. R.Vairamani (Died)

2. R.Sugumaran

3. R.Balasubramanian

... Respondents/Petitioners/
Petitioners/Landlords

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision petition by setting aside the fair and executable order dated 05.07.2018 passed in E.P.No.166 of 2018 in R.C.O.P.No.182 of 2012 on the file of the learned Additional District Munsif, Madurai Town.

For Petitioner : Mr.M.Ponniah

For R-2 & R-3 : Mr.M.Rajaraman

For R-1 : Died

ORDER

The Revision petitioner is the tenant. The respondents herein filed R.C.O.P.No.182 of 2012 before the Principal Rent Controller (Principal District Munsif), Madurai Town.

2. An eviction order was passed. To enforce the same, E.P.No.166 of 2018 was filed. But then, delivery order was passed, without notice to the tenant. Questioning the same, this Civil Revision petition has been filed.

3. This Court is of the view that interest of justice, the following directions can be passed:-

(i) The Revision petitioner has filed R.C.A.No.5 of 2015 before the learned Principal Subordinate Judge, Madurai. It was dismissed for default. The Revision petitioner has filed an application for restoring the same. The learned



Principal Subordinate Judge, Madurai, is directed to restore R.C.A.No.5 of 2015 and dispose of the same within a period of thirty days from the date of receipt of a copy of this order.

(ii) Till the disposal of R.C.A.No.5 of 2015 which shall be within thirty days, the execution proceedings shall be put on hold.

4. The order passed by the learned Additional District Munsif, Madurai Town, in E.P.No.166 of 2018 in R.C.O.P.No.182 of 2012, dated 05.07.2018, is set aside and the fact that the Revision petitioner has entered appearance in the execution petition is placed on record. The Civil Revision petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-II)

To

- 1.The Principal Subordinate Judge,
Madurai.
- 2.The Additional District Munsif,
Madurai Town.
- 3.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1CC to Mr.M.Ponnaiah Advocate in Sr.No.79991.

+1CC to Mr.M.Rajaraman Advocate in Sr.No.80175.

PMU
DS/SKN/SAR-2 :27.08.2018: 2P/7C

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