



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2018

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) No.1870 of 2018

and

C.M.P. (MD) No.8160 of 2018

Gopalakrishnan

.. Revision Petitioner/Respondent
Appellant/Tenant

vs.

Usha Rani

.. Respondent /Petitioner/
Respondent/Landlord

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 14.02.2018 in I.A.No.59 of 2017 in R.C.A.No.1 of 2016 passed by the Appellate Authority (Rent Controller) cum Subordinate Judge, Kulithalai.

For Petitioner : Mr.Lakshmi Shankar
for M/s.R.M.Sivakumar

ORDER

The tenant is the revision petitioner herein. The respondent filed R.C.O.P.No.1 of 2012 before the Rent Controller-cum-District Munsif, Kulithalai for evicting the revision petitioner on the ground of owner's occupation. The said RCOP was allowed on 22.09.2015. Questioning the same, the revision petitioner filed R.C.A.No.1 of 2016 before the Appellate Authority/Subordinate Judge, Kulithalai. In the said appeal, the landlady filed I.A.No.59 of 2017 under Section 11(4) of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960. The said application was allowed on 14.02.2018 and the revision petitioner was directed to pay the arrears amount of Rs.1,05,000/- within one month. It was made clear in the impugned order that in the event of failure to do so, the revision petitioner would not be allowed to prosecute the appeal and that for orders of eviction would be passed.

2. The learned counsel for the petitioner would further submit that the said RCA is posted for judgment today. It is further submitted by the learned counsel for the revision petitioner that today, till 11.20 a.m., the said RCA has not been disposed of.

3. This Court exercising its power under Section 148 of the Code of Civil Procedure grants extension of time in favour of the revision petitioner to deposit the said amount within a period of four weeks from today. If the revision petitioner fails to comply with this direction, the Civil Revision Petition would stand automatically dismissed. Excepting this relief of extension of time



to deposit the said amount of Rs.1,05,000/-, the order in question is affirmed on all other aspects. The Civil Revision Petition is disposed of accordingly. No Costs. Consequently, connected miscellaneous petition is closed.

4. It is made clear that if the amount in question is deposited within four weeks from today, R.C.A.No.1 of 2016 will be disposed of on merits after hearing the revision petitioner.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-I)

To
1.The Rent Controller-cum-Subordinate Judge,
Kulithalai.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1cC to Mr.R.M.Sivakumar Advocate in Sr.No.80744.

PJL
DS SKN SAR-1 ;29.08.2018; 2P/5C

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