



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2018

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P(PD).(MD)Nos.2100 and 2101 of 2018

A.Mohan
petitions

... Petitioner in both

Vs.

1.Meenambal
2.Venkatesh
petitions

...Respondents in both

COMMON PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and executable order dated 31.07.2018 passed in I.A.Nos.478 and 479 of 2018 Respectively in O.S.No.36 of 2018 on the file of the District Munsif Court, Ramanathapuram and allow the same.

In both petitions:-

For Petitioner in both petitions : Mr.J.Barathan

For Respondents in both petitions : Mr.K.Sekar

COMMON ORDER

The revision petitioner is a tenant under the first respondent herein. It appears that in the tenanted premises, the revision petitioner had permitted his friend to keep a few liquor bottles. This had drawn the adverse attention of the local police. The local police had firmly instructed the landlady, namely, the first respondent herein to do the needful.

2.The grievance of the landlady is that notwithstanding the good counsel given by her, the revision petitioner continued to stock the liquor bottles in the tenanted premises, which is the small shop. That impelled the landlady to lock the same. The revision petitioner therefore filed O.S.No.36 of 2018 before the District Munsif Court, Ramanathapuram for unlocking the shop premises. He filed I.A.No.478 of 2018 seeking an interim relief. He also took out another interlocutory application claiming compensation. Both the interlocutory applications were dismissed. Challenging the same, these Civil Revision Petitions have been filed.



4.The learned counsel appearing for the respondents raised a few technical objections. He pointed out that the main relief and interim relief are one and the same and that therefore, I.A.No.478 of 2018 was rightly dismissed. He also highlighted the plight of the landlady.

5.The revision petitioner is present in person before me. He specifically relinquished his claim of damages against the landlady.

6.In that view of the matter, the order impugned in I.A.No.479 of 2018 is sustained and CRP(MD).No.2101 of 2018 is dismissed.

7.The revision petitioner is running a vulcanising shop on a very small scale and his shop has been closed for more than four months. This, I think, is a sufficient punishment for him. Keeping the shop under the continued lock and seal will virtually ruin his life and career. Therefore, taking an indulgent view of the matter, the order made in I.A.No.478 of 2018 is set aside and CRP(MD).No.2100 stands allowed.

8.The revision petitioner is permitted to unlock the tenanted premises on his own. The revision petitioner gives solemn undertaking before me in the presence of his counsel namely J.Barathan that he will not conduct himself in any manner, which will attract the adverse notice of the local police by stocking liquor bottle or any other unwanted materials. If the revision petitioner commits breach of undertaking, the landlady is given liberty to file contempt of Court Petition before this Court. Likewise, the local police are also called upon not to harass the landlady for any unlawful activities committed by the revision petitioner.

9.It is sad that the landlady was happened to be harassed because the revision petitioner had stocked a few liquor bottles in the tenanted premises. The Registry is directed to mark a copy of this order to the Deputy Superintendent Police, PEW, Ramanathapuram. The landlady is also at liberty to evict the revision petitioner by following due process of law.

10.Since substantial relief has been granted in this Civil Revision Petition itself, the learned District Munsif, Ramanathapuram, is directed to close the suit in O.S.No.36 of 2018 on these terms. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/



To

1. The District Munsif Court, Ramanathapuram.

2. The Deputy Superintendent Of Police,
PEW, Ramanathapuram.

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The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. 2 COPIES

- 2 CC TO Mr.K.Sekar , ADVOCATE IN SR Nos. 91444,91443.
- 1 CC TO Mr.T.R.Jeyapalam , ADVOCATE IN SR No. 91450.

RMK

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