



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE **G.R. SWAMINATHAN**

C.R.P (MD) (NPD) .No.2243 of 2018

Jeyachandran

... Petitioner

Vs.

Malathi

...Respondent

PRAYER: Petition filed under Section 115 of Code of Civil Procedure, to call for the records relating to the order dated 04.03.2016 passed in T.C.T.P.No.20 of 2008 by the Revenue Court (Special Deputy Collector), Madurai and set aside the same.

For Petitioner

: Mr.D.Malaichamy

For Respondent

: Mr.T.K.Gopalan

ORDER

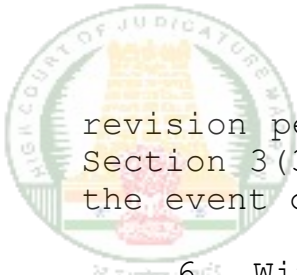
The petitioner herein filed TCTP.No.20 of 2008 before the Special Deputy Collector, Madurai under Section 3(3)(a) of Tamil Nadu Cultivating Tenants Protection Act for depositing the rent. The said TCTP was dismissed on 04.03.2016. Questioning the same, this Civil Revision Petition has been filed.

2.Heard the learned counsel on either side.

3. It is not in dispute that the revision petitioner herein filed O.S.No.16 of 2008 before the District Munsif Court, Madurai Taluk, seeking the relief of permanent injunction. The said suit ended against the revision petitioner. The Civil Court has given a categorical finding that the revision petitioner is not in possession of the property in question. Therefore, as a direct consequence, the present TCTP No.20 of 2008 was also suffered dismissal.

4. The learned counsel appearing for the revision petitioner submits that the questioning the dismissal of O.S.No.16 of 2008, he has filed A.S.No.79 of 2015 before the Principal Subordinate Court, Madurai.

5. I am of the view that so long as the finding of the Civil Court is holding good, it is not possible to reverse the order impugned in this Civil Revision Petition. Only if the judgment of the trial Court rendered in O.S.No.16 of 2008 is reversed, it would be open to the revision petitioner to secure any relief. The



revision petitioner is given liberty to file a fresh petition under Section 3(3)(a) of Tamil Nadu Cultivating Tenants Protection Act, in the event of succeeding in the civil proceedings.

6. With these observation and liberty, this Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

The Revenue Court (Special Deputy Collector),
Madurai.

Copy to

1. The District Munsif, Madurai Taluk.

2. The Principal Subordinate Judge,
Madurai.

3. The Section Officer, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.Malaichamy, Advocate Sr.No.91061

+1cc to Mr.PT.S.Narendravasan, Advocate Sr.No.91036

RMK

VB/SV/SAR2/12.12.2018/2P/8C

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