



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.03.2018
CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

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C.R.P (MD) No.671 of 2018 (PD)
and
C.M.P. (MD) .No.2929 of 2018

M.S.Nazeer Oasis

.. Petitioner/
Petitioner/Respondent/ Respondent

Vs.

1.Aramvalartha Selvi (Died)
2.G.Sivasankaran
3.Velasivasankaran

.. Respondents /
Respondents / Petitioners/Petitioners

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order, dated 16.06.2017, passed in I.A.No.202 of 2017 in I.A.No.170 of 2016 in R.C.O.P.No.146 of 2016 by the learned Principal District Munsif (Rent Control), Madurai Town.

For Petitioner

: Mr.K.Muraleedharan

ORDER

The respondents herein / landlords have filed R.C.O.P. against the revision petitioner / tenant seeking eviction of the revision petitioner / tenant on the ground of willful default. Along with the RCOP, the respondents herein have filed I.A.No.170 of 2016 seeking an interim direction directing the revision petitioner / tenant to deposit the arrears of rent of Rs.24,32,500/- and to pay Rs.2,20,000/- per month for the further period. By order, dated 17.04.2017, in I.A.No.170 of 2016 in R.C.O.P.No.146 of 2016, the Rent Controller had directed the revision petitioner / tenant to pay arrears of admitted rent of Rs.20 lakhs on or before 16.06.2017, failing which eviction will be ordered. On 15.06.2017, the revision petitioner / tenant has filed I.A.No.202 of 2017 seeking another one months time and the same was rejected, against which he has filed the present civil revision petition.

2. When the matter came up for admission on 27.03.2017, the learned counsel for the revision petitioner / tenant submitted that the revision petitioner is ready to pay the arrears of amount on installment basis and also the regular monthly rent. He would further submit that though the order impugned in this petition was passed as early as on 16.06.2017, till date the eviction order has not been passed by the Rent Controller. In view of the said submission, this Court directed the revision petitioner / tenant to



produce D.D. for some nominal amount, in order to show his readiness and willingness to pay the arrears rent.

3. Today, the learned counsel for the revision petitioner produced a D.D. for a sum of Rs.7 lakhs before this Court and also submitted that the revision petitioner is ready to pay the balance arrears of rent on installment basis, along with the regular monthly rent of Rs.2 lakhs.

4. It is seen that from the date of order ie. from 17.04.2017, now about ten months have gone and the arrears of rent accumulated to another Rs.20 lakhs and thus, the total arrears of rent comes to Rs.40 lakhs. Hence, this Court is inclined to direct the respondents to pay Rs.3 lakhs per month as the installment amount for arrears of rent, along with the regular admitted monthly rent of Rs.2 lakhs. The learned counsel for the petitioner, on instructions, fairly accepted the same.

5. In order to save the time and also considering the fact that no prejudice would be caused to the respondents by allowing this petition with the terms mentioned below, this Court is of the view that notice need not be sent to the respondents.

6. In view of the above and also considering the fact that till date, no eviction order is passed, this Court is inclined to allow this civil revision with the following directions:

(a) The revision petitioner shall give D.D., which has been produced before this Court to the tune of Rs.7 lakhs, to the respondents within two weeks from today. If the respondents refused to receive the said D.D., the petitioner shall deposit the same in the Court below in R.C.O.P.No.146 of 2016.

(b) The revision petitioner shall pay the balance admitted arrears of rent amount on installment basis, that is Rs.3 lakhs p.m., along with the admitted regular monthly rent. Accordingly, the revision petitioner shall pay a sum of Rs.5 lakhs within the 10th day of every month from May, 2018, till the arrears are completely paid and thereafter, pay the regular monthly rent within the 10th day of every month.

7. It is made clear that if the revision petitioner fails to comply with any one of the above directions, this order shall stand vacated automatically without any further reference to this Court and the Rent Controller shall proceed with the eviction proceedings. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

/True copy/



To

1.The Principal District Munsif / Rent Controller,
Madurai Town.

+1CC TO M/S.K.MURALEEDHARAN, ADVOCATE, SR NO.5041

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