



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2018

CORAM :

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P.(MD) (NPD) No.1432 of 2013

and

M.P.(MD) Nos.1 and 2 of 2013

Annammal

... Petitioner

vs.

Jeyanthi @ Mookammal

... Respondent

PRAYER:-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 01.08.2013 passed in E.P.No.97 of 2012 in R.C.O.P.No.4 of 2008 on the file of the Subordinate Judge, Thoothukudi.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.G.Aravindan

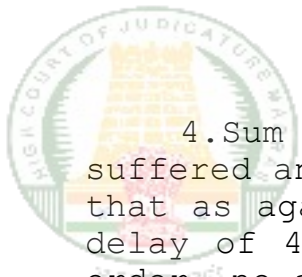
ORDER

This civil revision petition has been filed as against the order passed in E.P.No.97 of 2012 in R.C.O.P.No.4 of 2008 on the file of learned Subordinate Judge, Thoothukudi.

2.The brief facts that are necessary for the disposal of this civil revision petition are as follows:

(i) The respondent herein filed R.C.O.P.No.4 of 2008 on the file of the Principal District Munsif / Rent Controller, Thoothukudi, for eviction of the tenant namely, the revision petitioner on the ground that wilful default, different user, nuisance, demolition and reconstruction.

3.The revision petitioner / tenant was set ex parte and an ex parte order was passed by the Rent Controller in the petition for eviction on 18.10.2011. Though the revision petitioner filed a petition to condone the delay of 47 days in filing the petition to set aside the ex parte order, the same was dismissed by the Rent Controller by an elaborate order. Thereafter, in the Execution Petition filed by the respondent / land lord the lower Court directed delivery in E.P.No.97 of 2012, the present civil revision petition has been filed challenging the order of Executing Court directing delivery in E.P.No.97 of 2012.



4.Sum and substance, the fact that the revision petitioner has suffered an order of eviction is not in dispute. It is also admitted that as against the order of dismissing the petition to condone the delay of 47 days in filing the petition to set aside the ex parte order, no appeal or revision has been filed.

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5.In such circumstances the order of eviction has become final. Though the revision petitioner has no defence in the Execution Petition, it appears that the revision petitioner and the landlord have agreed for granting time till 31.12.2018.

6.The learned counsel appearing for the respondent submitted that the landlord has agreed to grant time till 31.12.2018 for handing over possession.

7.In that view of the matter, the civil revision petition is dismissed. However, as agreed by the respondent / landlord the delivery of property shall wait till 31.12.2018. If the revision petitioner does not hand over the possession of the demised property to the respondent / landlord within 31.12.2018, it is open to the respondent / landlord to initiate further action pursuant to the order of delivery, which is impugned in this civil revision petition. No costs. Consequently, the connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar(CS-II)

To

The Subordinate Judge,
Thoothukudi.

Copy to:

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

+1cc to M/s.P.Jessi Jeeva Priya, Advocate, SR.No.74269.

+1cc to Mr.G.Prabhu Rajadurai, Advocate, SR.No.74234.

C.R.P. (MD) (NPD) No.1432 of 2013
19.07.2018

MM