



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (NPD) (MD) No.605 of 2013

and

M.P. (MD) No.1 of 2013

R.Selvin Loyed : Petitioner / Petitioner / Tenant

vs.

C.Ponnusamy : Respondent / Respondent / Landlord

PRAYER: Civil Revision Petition filed under Article 115 of Code Civil Procedure, to set aside the order passed in E.A.No.4 of 2013 in E.P.No.49 of 2012 in RCOP No.1 of 2011, dated 01.03.2013 on the file of the Principal District Munsif Court, Padmanabhapuram.

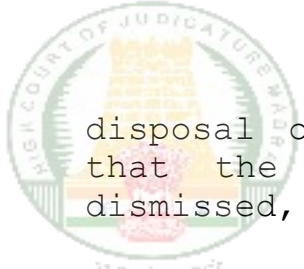
For Petitioner : Mr.S.C.Herold Singh

ORDER

The unsuccessful tenant before the Court below is the revision petitioner in this civil revision petition.

2.It is admitted that the respondent is the landlord. It appears that the respondent filed a petition for vacating the revision petitioner in RCOP No.1 of 2011, before the Principal District Munsif Court, Padmanabhapuram on the ground of wilful default in payment of rent. It is also admitted that the Rent Controller allowed the petition and directed the tenant to vacate the demised premises of the respondent. It is further admitted that the revision petitioner preferred an appeal and the same was also dismissed. Pursuant to the order for eviction, the respondent filed an execution petition in E.P.No.49 of 2012.

3.It appears that the petitioner has filed an application in E.A.No.4 of 2013 to accept the counter affidavit in E.P.No.49 of 2012. It is to be noted that the only defence that is taken by the petitioner in the counter affidavit filed in the execution petition is that he has preferred an appeal in RCA SR No.223 of 2013 and that the execution proceedings have to be stayed till the



disposal of the appeal. Having regard to the admitted position that the appeal filed by the revision petitioner was also dismissed, the petitioner has no right to resist the execution.

4. The learned Counsel for the revision petitioner submitted that he has valid defence and the eviction proceedings on the ground of wilful default cannot be sustained in view of the admitted fact that the tenant has deposited a huge amount as advance. The lower Court dismissed the petition as the petition is devoid of any merits. This Court has no reason to interfere with the findings of the lower Court as the petition filed by the petitioner has no *bona fide*. Having regard to the admitted fact that the appeal filed by the revision petitioner was also dismissed subsequently, this Court is not inclined to entertain this petition. As a result, this civil revision petition is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif,
Padmanabhapuram.

+ 1 cc TO Mr.S.C.Herold Singh , Advocate in SR No. 59564

cmr

AE/KK/SAR4/17.04.2018/2P/3C

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