

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

C.R.P.No.3858 of 2013
and M.P.No. 1 of 2013

The Western India Plywood Ltd.,
260, Sydenhams Road,
now known as Raja Muthiah Road,
Chennai - 112.

... Petitioner

Vs.

1.M/s.Sree Venkateswara Timber Depot,
rep by its Partner
K.Ram Mohan Rao,
260, Sydenhams Road,
now known as Raja Muthiah Road,
Chennai - 112.

2.K.Ram Mohan Rao

... Respondents

Petition filed under Section 25 of the Tamil Nadu Building (Lease and Rent Control) Act against the fair and decreetal order dated 20.09.2013 made in M.P.No.372 of 2013 in R.C.A.No.254 of 2013 on the file of the VIII Small Causes Court, Madras.

For Petitioner : Mr.S.Janarthanam

For Respondents : Mr.T.V.Sekar

ORDER

Challenging the order passed in M.P.No.372 of 2013 in R.C.A.No.254 of 2013 on the file of the VIII Judge, Small Causes Court, Chennai, the tenant has filed the above Civil Revision Petition.

2.The respondent/landlord filed R.C.O.P.No.891 of 2011 on the file of the XIII Judge, Court of Small Causes, Chennai for eviction on the ground of willful default. The Rent Controller, by order dated 22.03.2013, ordered eviction. Challenging the said order, the tenant preferred an appeal in R.C.A.No.254 of 2013 before the Rent Control Appellate Authority. Along with the appeal, the tenant has also filed a petition in M.P.No.372 of 2013 seeking for interim stay of the order passed in R.C.O.P.No.891 of 2011. The Rent Control Appellate Authority, by order dated 20.09.2013, dismissed the stay petition. Challenging the said order, the tenant has filed the above Civil Revision Petition.

3.When the Civil Revision Petition was taken up for admission, this Court, by order dated 07.11.2013, granted an order of interim stay, on condition that the tenant should pay the enhanced rent fixed by the Lower Appellate Court without any default.

4.The learned counsel for the petitioner/tenant submitted that the tenant has been paying the enhanced rent without any default till today.

5.Since the Rent Control Appeal in R.C.A.No.254 of 2013 was filed as early as in the year 2013 and that interim stay granted by this Court on 07.11.2013 continues till today, I am of the view that instead of going into the merits of the matter, it would be suffice to direct the Rent Control Appellate Authority to dispose of the appeal within a time frame and till such time, the interim stay granted by this Court may be directed to continue. Accordingly, I direct the VIII Judge, Small Causes Court, Chennai to dispose of the appeal in R.C.A.No.254 of 2013, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Till such time, the interim stay granted by this Court on 07.11.2013 shall continue.

6.With these observations, the Civil Revision Petition is disposed of.
No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No

03.10.2019

Speaking / Non-speaking Order

Note: Issue order copy on 04.10.2019.

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M. DURAISWAMY,J.

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To

1.The VIII Small Causes Court, Madras



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and M.P.No.1 of 2013**

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