

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Tenth day of April Two Thousand Nineteen

PRESENT

THE HON`BLE MS.JUSTICE P.T.ASHA

CMP.NOS.14606 OF 2018

AND CMP.NO.3987 OF 2019

IN CRP.NO.2359 OF 2018

SMT.CHELLAMMAL [PETITIONER IN CMP.1406/18 AND RESPONDENT IN
CMP.3987/19 IN CRP.NO.2359/18]

Vs

TMT.KANNIKAPARAMESHWARI [RESPONDENT IN CMP.1406/18 AND PETITIONER IN
CMP.3987/19 IN CRP.NO.2359/18]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to interim stay the operation of the conditional order dated 22/06/2018 in IA.No.61/2017 in IA.NO.332/2015 in RCA.50/2015 on the file of Principal Subordinate Judge At Coimbatore (in CMP.1406/18) pending disposal of the Civil Revision Petition 2359/18 and;

(ii) to vacate the Order of Interim Stay of the operation of the Conditional Order dated 22.03.2018 in I.A.No.61 of 2017 in I.A.No.332 of 2015 in R.C.A.No.50 of 2015, granted in CMP.1406 of 2018 in CRP.NO.2359 of 2019 dated 27.08.2018 (in CMP.3987/19) in CRP.NO.2359/18 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.K.RAJENDRA PRASAD, Advocate for the PETITIONER IN CMP.1406 of 2018 AND RESPONDENT IN CMP.3987/19 IN CRP.NO.2359 of 2018 and of and M/S.ROSHAN ATIQ Advocate for the RESPONDENT IN CMP.1406/18 IN CRP.NO.2359/18 and CMP.No.3987/19 not appearing either in person or by an advocate the court made the following order:-

The revision petitioner has obtained an interim stay on 27.08.2018 of the conditional order directing them to pay the arrears. Thereafter the matter come up twice under the caption "For Orders". The counsel for the petitioner represented that he had to get necessary instructions from his party on one occasion and on the 2nd occasion did not appear. The respondent/tenant has filed a vacate stay petition.

2.The matter was posted today under the same caption, however the counsel for the petitioner was not present and the order of stay is working against the respondent/landlord. It is seen that the only defense that has been put forward is that the revision petitioner/tenant had entered into an agreement of sale and therefore there was no landlord - tenant relationship.

3.In the counter that has been filed by the tenant in R.C.O.P.No.24 of 2006, they have themselves admitted that though they have filed a suit for specific performance they have obtained a decree for return of advance amount. There is no appeal against this Judgement and therefore the claim of the revision petitioner that he is an agreement holder fails. However they are continuing to squat on the premises without making any payment.

4.As on the date of filing of I.A.No.61 of 2017, there was a total arrears of Rs.1,47,000/-, which sum they have not paid to date and further arrears have also arisen and as on date total arrears is of Rs.1,87,000/-.

Considering the above, the stay granted by this Court on 27.08.2018 is vacated and the petition in C.M.P.No.14606 of 2018 is disposed of and C.M.P.No.3987 of 2019 is ordered as prayed for.

-sd/-

10/04/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SUBORDINATE JUDGE,
COIMBATORE.

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2 THE I DISTRICT MUNSIF AND
HOUSE RENT CONTROLLER, COIMBATORE.

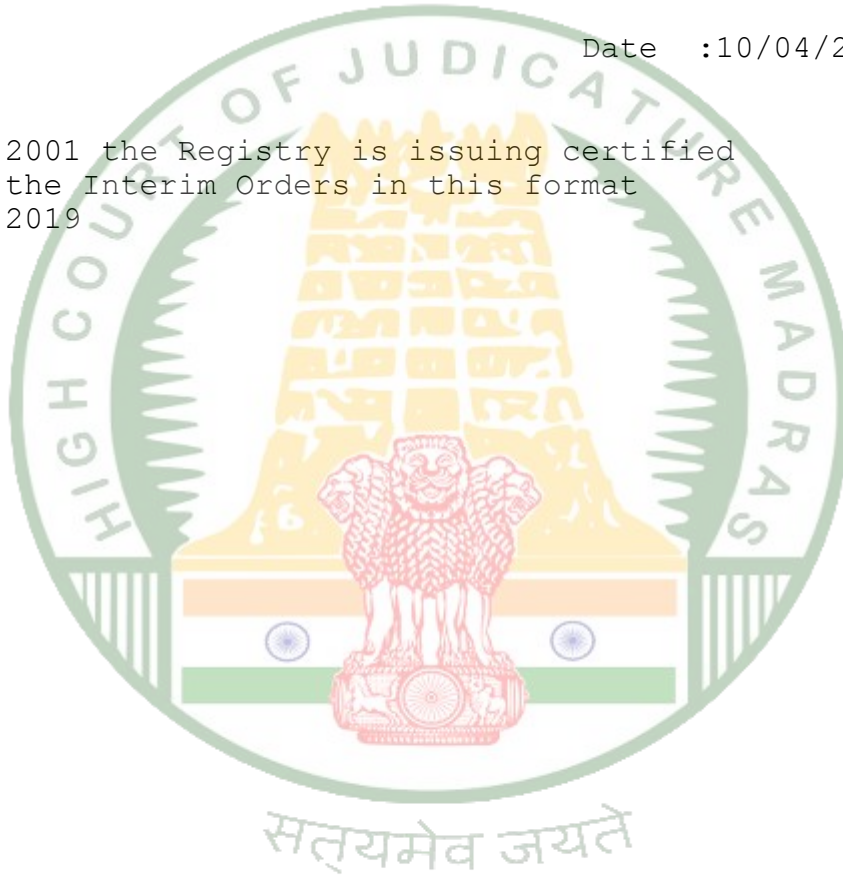
C.C. to M/S.M.ROSHAN ATIQ Advocate SR.No.5210

Order

in
CMP.NOS.14606 OF 2018
AND CMP.NO.3987 OF 2019
IN CRP.NO.2359 OF 2018

Date :10/04/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SDR 22.04.2019



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