

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.2616 OF 2019

Murugesan (Deceased)

1.Padmavathy

2.Jesna Loganathan

3.M.Amudha

4.Jeganathan

5.M.Jagadeesan

... Petitioners

Vs.

1.Gunasekaran

2.Manoharan

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, praying to dispose of the Memo dated 20.12.2018 filed in I.A.No.4 of 2014 in R.C.O.P.No.9 of 2013 on the file of the District Munsif Court, Mettupalayam.

For Petitioner

: Mr.Mohamed Riyaz

For Respondents

: No Appearance

ORDER

The revision petitioner filed an eviction petition against the respondents. Since the respondents have defaulted in payments of rentals, the Trial Court has passed conditional order directing the first respondent to deposit the rental arrears and to continue to pay the monthly rentals regularly on or before 5th of English Calendar till the disposal of the R.C.O.P.No.9 of 2013 dated 27.12.2012. Thereafter, the petitioner filed a memo dated 18.12.2018, stating that the first respondent have not deposited rental arrears as directed by the Court. Again he filed a memo dated 20.12.2018, stating that the respondent has only paid a sum of Rs.57,000/- and balance amount of Rs.1,62,000/- has not been paid and thus failed to comply with the order of the Court in I.A.No.4 of 2014. The respondent filed an objection memo stating that he has deposited a sum of Rs.57,000/- and continued to pay a sum of Rs.3,000/- regularly as per the direction of the Court. The said memo was pending before the Court for the past eight months without any order. Aggrieved over the same, the petitioner is before this Court.

2. Considering the materials available before this Court, it is seen that the consequential orders pursuant to the order passed by the Court in I.A.No.4 of 2018 dated 19.11.2018, has not been passed so far. Keeping the matter pending without any orders for more than 10 months is not

appreciable. Therefore, this Court is inclined to direct the lower Court to dispose of R.C.O.P.

3. Accordingly, a direction is issued to the District Munsif Court, Mettur, to dispose of R.C.O.P.No.9 of 2013 within a period of two months from the date of a receipt of a copy of this order.

4. The Civil Miscellaneous Petition is disposed of with the above observation and direction. No costs.

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To

The District Munsif Court, Mettupalayam.

Index: Yes / No

Speaking order / Non-Speaking order.

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M.GOVINDARAJ, J

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