

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(NPD).Nos.3912 and 3913 of 2014

M/s.Bata India Limited
Shop No. 'O',
Old Door No.94, New Door No.144,
Royapettah High Road,
Mylapore, Chennai 600 004.

.. Petitioner in both CRPs.

vs.

B.K.Nalini Jayanthi

.. Respondent in both CRPs.

PRAYER: Civil Revision petitions are filed under Article 227 of the Constitution of India, against the order and decretal order dated 29.04.2014 made in E.A.Nos.200 of 2012 and 17 of 2013 in E.P.No.241 of 2012 in R.C.O.P.No.1870 of 2009 on the file of XI Small Causes Court, Chennai.

For Petitioner : M/s.K.Subbu Ranga Bharathi

For Respondent : Mr.R.Dasaratha Rao

COMMON ORDER

Both the civil revision petitions are taken up for hearing. The petitioner

is the tenant of the respondent-landlord. The respondent-landlord had filed

RCOP.No.1870 of 2009 before the Rent Controller under Section 10(2)(1) of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 and that petition was allowed on 14.07.2011. Thereafter, the respondent has also filed E.P.No.241 of 2012 for delivery of possession of Shop No."O" in premises bearing Old Door No.94, New No.144, Royapettah, High road, Mylapore, Chennai-4 under Section 18 of the said Act. The petitioner's District Manager also acknowledged being taken delivery of the stocks from the premises in the said proceeding and accordingly the Execution petition was closed on 08.08.2012.

2. In the said proceeding, the bailiff had issued notice to the petitioner and the petitioner came forward for taking delivery of goods.

3. Thereafter, the petitioner has filed E.A.No.200 of 2012 to direct the respondent-landlord to hand over the remaining stocks and furniture. The petitioner-tenant also filed another execution application in E.A.No.17 of 2012 to appoint an Advocate Commissioner to take an inventory of the stocks, goods and furniture available in the presence of the petitioner and respondent and to hand over the stocks to the petitioner immediately. E.A.No.200 of 2012 was dismissed while E.A.No.17 of 2013 was allowed partly by two separate orders on 29.04.2014.

4. Aggrieved by the orders in E.A.No.200 of 2012 and E.A.No.17 of 2013 in E.P.No.241 of 2012, the petitioner has filed the present civil revision petitions.

5. It is mentioned that the respondent-landlord has also filed O.S.No.2393 of 2017 during the pendency of the present civil revision petitions. The petitioner has not filed written statement.

6. The relief sought for in the present civil revision petitions cannot be granted at this distant point of time, as the goods could have in any event deteriorated. It is for the petitioner to take delivery of the available stocks from the premises of the respondent and work out their remedy for the alleged loss in accordance with law.

7. There is no merits in the present civil revision petitions. Hence, these civil revision petitions are dismissed with liberty to the petitioner to work out their remedy against the respondent for alleged loss in the manner known to law. No cost.

20.03.2019

Index :Yes/No

Internet :Yes/No

kkd

C.SARAVANAN,J.

kkd

To

1.XI Small Causes Court, Chennai.

2.The Section Officer,

V.R.Section, High Court, Madras.



C.R.P.(NPD).Nos.3912 and 3913 of 2014

WEB COPY

15.04.2019