

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

C.R.P.(PD) No.3521 of 2019 and
C.M.P.No.23093 of 2019

Ramesh Kumar

... Petitioner / Appellant

Vs.

Rekha R Luked

Rep. by POA Rahul R.Luked,
W/o.Late Rai Chand Ji Luked,
No.12, Thandavaraya Pillai Street,
Sowcarpet, Chennai - 600 079.

... Respondent / Respondent

Prayer: Petition filed under Section 25(1) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 praying to set aside the petition and order dated 04.10.2019 passed in M.P.No.379 of 2019 in R.C.A.No.354 of 2019 on the file of the VIII Small Causes Court, Chennai.

For Petitioner : Mr.N.Suresh

ORDER

This revision petition has been filed against the order passed by the VIII Judge, Small Causes Court, Chennai, by conditional order dated 04.10.2019 made in M.P.No.379 of 2019 in R.C.A.No.354 of 2019.

2.The revision petitioner was the tenant before the Rent Control Court where eviction was ordered on the ground of wilful default, pursuant to which, the respondent/landlord filed Execution Petition to execute the order passed by the Rent Control Court.

3.In the meanwhile, appeal had been filed by the revision petitioner in R.C.A.No.354 of 2019 where M.P.No.379 of 2019 was filed by the tenant/revision petitioner to seek for stay the operation of the order of the Rent Control Court i.e., staying the proceedings in the execution. In the said application, after hearing both sides, the Rent Control Appellate Court passed an order directing the revision petitioner/ tenant to pay the arrears of rent to the extent of Rs.1,87,175/-. In order to

comply the said order, when the matter came up before the Court below on 04.10.2019, it seems to have been pleaded on behalf of the revision petitioner/tenant that, in order to make the said payment of Rs.1,87,175/-, eight weeks time was sought for.

4.However, the learned Judge, instead of giving eight weeks time for making such payment, allowed only four weeks time, within which, it was directed that, the revision petitioner/tenant has to make the payment of Rs.1,87,175/-, i.e., the arrears of rent. However, against that non inclination to give eight weeks time for making the said payment, as claimed by the tenant/revision petitioner before the Rent Control Appellate Authority, through the impugned order dated 04.10.2019, the present revision has been filed.

5.I have heard N.Suresh, learned counsel appearing for the revision petitioner/tenant.

6.The issue raised in this revision is in very narrow compass where whether the eight weeks time sought for by the revision petitioner/tenant to make the payment of Rs.1,87,175/-, being the rental arrears, is allowable or not and the order passed by the Court below, which is impugned herein, allowing four weeks time, by thus, disallowing the eight weeks time as sought for by the revision petitioner/tenant was justifiable or not.

7.The revision petitioner/tenant, atleast for the present, has not agitated the direction given by the Court below to pay the said amount of Rs.1,87,175/-, being an arrear. As whether there had been arrear or not to that extent, are all matters to be decided in the Rent Control Appeal filed by him.

8.The only grievance of the revision petitioner/tenant is that, some longer period since was sought for, which was negated, therefore, in order to have the breathing time to pay the said amount, which he quantified as eight weeks, he approached this Court. Taking into consideration of the aforesaid facts, this Court, while rejecting this revision petition, is inclined to fix some time limit to make the said payment of Rs.1,87,175/-, as directed by the Court below through the impugned order, which would suffice to meet the ends of Justice.

9.Accordingly, the revision petitioner is hereby directed to pay 50% of Rs.1,87,175/- on or before 04.11.2019 and remaining 50% of the arrear shall be paid on or before 04.12.2019.

10.With this time frame, to make the payment as indicated above, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

11.It is made clear that, if, within the separate time stipulated above, for the first 50% as well as the second 50% of the arrears amount have not been paid by the revision petitioner, it is open to the Execution Court to proceed with the E.P., including the order to be passed with regard to the delivery of possession of the property concerned.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

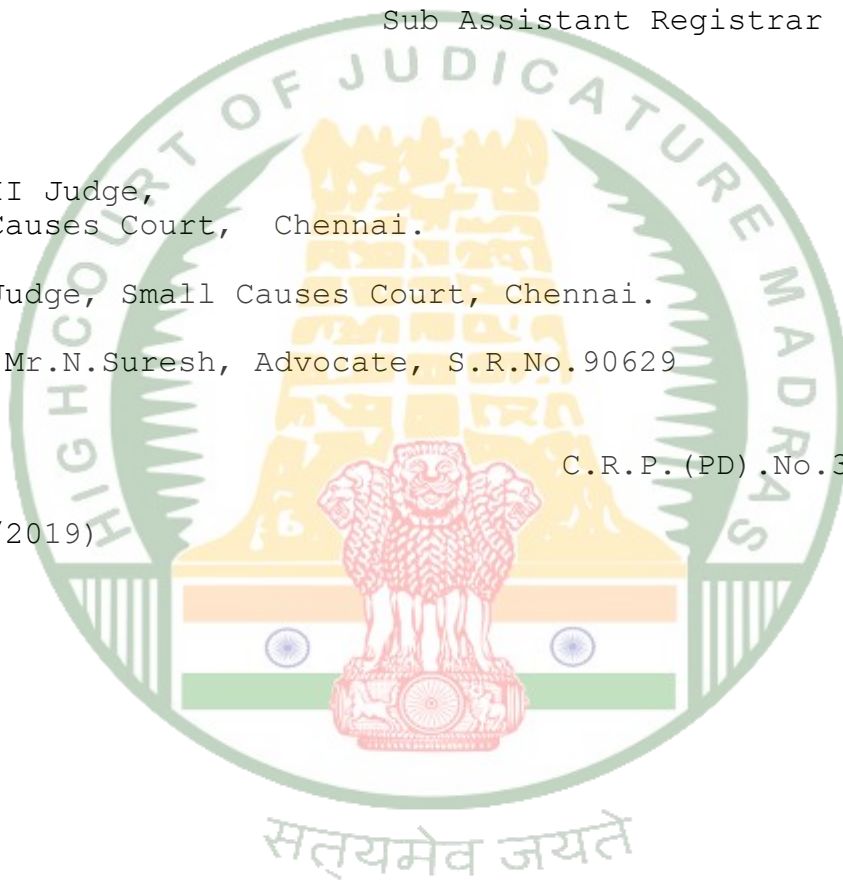
Sgl

To

1. The VIII Judge,
Small Causes Court, Chennai.
 2. The X Judge, Small Causes Court, Chennai.
- +3 ccs to Mr.N.Suresh, Advocate, S.R.No.90629

C.R.P.(PD).No.3521 of 2019

CA(CO)
SSM(04/11/2019)



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