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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20..12..2019

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.3919 of 2019

&

C.M.P.No.25864 of 2019

M.Mohamed Riyaz

... Petitioner

-Versus-

M.Munavar Sheriff

... Respondent

Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 22.08.2019 made in I.A.No.2 of 2019 in R.C.O.P.No.17 of 2016 by the Principal District Munsif, Villupuram.

For Petitioner : Mr.D.Gopal

For Respondent : Mr.Ganesh Kumar

ORDER

This civil revision petition is directed against the order of the learned District Munsif, Villupuram, dismissing the application filed by the petitioner herein under order X, Rule 7 of CPC seeking to set aside the ex parte order passed against him.

2. The respondent/landlord had filed a petition for eviction in R.C.O.P.No.17 of 2016 on the ground of willful default in payment of rent wherein despite notice, the petitioner/tenant did not appear before the court and therefore, he was set ex parte and an ex parte order was passed. Seeking to set aside the ex parte order, the petitioner herein filed an application in I.A.No.2 of 2019 which was dismissed by the court below by order dated 22.08.2019. Challenging the same, the petitioner/tenant is before this court with this revision petition.



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3. Earlier when the matter came up for hearing, the learned counsel for the petitioner submitted that the petitioner was ready and willing to vacate the premises and he had required some time to remove his goods which were kept inside the premises.

4. Accordingly, today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted an affidavit of undertaking sworn by the petitioner/tenant wherein the petitioner has undertaken that he would vacate the premises on or before 15.01.2020. The learned counsel for the respondent/landlord would, on instructions, submit that the respondent has got no objection for the mutual understandings.

5. At this juncture, the learned counsel for the petitioner submitted that the premises has been kept locked by the respondent and therefore, the respondent may be directed to open the lock to enable the petitioner to remove his goods. This allegation was however denied by the respondent. However, considering the settlement reached between the parties, this court is not inclined to go into the such a trivial issue and in order to give quietus to the issue, this court is inclined to give a direction that if the premises is kept locked by the petitioner, he is directed to remove the lock.

In the result, Recording the Affidavit of Undertaking submitted by the petitioner/tenant, this civil revision petition is disposed with the directions as indicated above. Consequently, connected CMP is closed.

Post this matter on 20.01.2020 for reporting compliance.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Principal District Munsif,
Villupuram.

Copy to:

1.The Section Officer,
VR Section,
High Court, Madras-104.



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2.The Section Officer/Posting,
Judicial Section,
High Court, Madras-104.
(For Reporting Compliance Post on 20/01/2020)

Civil Revision Petition
No.3919 of 2019

NR (CO)
CB (08/01/2020)