

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

CRP (NPD) NO.4265 OF 2018
AND CMP NO.23368 OF 2018

K.Ayyasamy

.. Petitioner

Versus

Jothimani

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed by the learned Appellate Authority / Principal Subordinate Judge, Coimbatore, in R.C.A.No.08 of 2016 dated 06.06.2018 confirming the fair and decreetal order passed by the learned Rent Controller / Principal District Munsif, Coimbatore, in R.C.O.P.No.115 of 2011 dated 15.12.2015.

For Petitioner : Mr.M.Raja Sekhar

For Respondent : Mr.R.Nandha Kumar

ORDER

This Civil Revision Petition is directed against the fair and decretal order passed by the learned Appellate Authority / Principal Subordinate Judge, Coimbatore, in R.C.A.No.08 of 2016 dated 06.06.2018 confirming the fair and decretal order passed by the learned Rent Controller / Principal District Munsif, Coimbatore, in R.C.O.P.No.115 of 2011 dated 15.12.2015.

2. The petitioner/tenant/judgment debtor filed a memo dated 15.07.2019, which reads as under:

"MEMO FILED BY THE PETITIONER"

The Petitioner states that this Hon'ble Court directed the Petitioner to vacate on or before April, 2019. In compliance of the order he had vacated and handed over the key to the Counsel for the Respondent in the Learned Executing Court and he refused to receive the key. To evidence the same, Memo had been filed before the Learned Executing Court. The Petitioner states that when he offered

rents to the Counsel for the Respondent in the Trial Court the same was refused by him. The Petitioner states that he is herewith enclosing the Demand Draft in favour of the Respondent for a sum of Rs.9000/- towards the rent due by the Petitioner.

It is therefore, prayed that this Hon'ble Court may be pleased to record this Memo and pass appropriate orders in the above Civil Revision Petition in C.R.P.(NPD) No.4265 of 2018.

Dated at Chennai on this the 15th day of July 2019."

He has also tendered a demand draft bearing no.007116 dated 11.07.2019 drawn on Indian Bank, K.G.Hospital Complex Branch, in favour of Mr.N.Jothimani/respondent herein, for a sum of Rs.9,000/-.

3. Learned counsel for the respondent would submit that an amount of Rs.25,200/- deposited by the petitioner/tenant is lying in the credit of RCOP No.19/2014. The petitioner/tenant has no objection for the said amount being withdrawn or paid to the respondent/landlord.

4. Recording the submissions made on either side, the Civil Revision Petition is closed with the following observation.

(i) The respondent / landlord acknowledges the receipt of demand draft bearing no.007116 dated 11.07.2019 drawn on Indian Bank, K.G.Hospital Complex Branch, for a sum of Rs.9,000/-.

(ii) The respondent / landlord acknowledges the receipt of the original key.

(iii) The Memo filed by the petitioner dated 15.07.2019 is taken on record and shall form part and parcel of this order.

(iv) The respondent / landlord is entitled to withdraw the amount deposited to the credit of RCOP No.19/2014, a sum of Rs.25,200/- directly.

No costs. Consequently, connected civil miscellaneous petition is closed.

18.07.2019

Index : Yes/No
Internet : Yes/No
TK

To

1.The Appellate Authority
Principal Subordinate Judge
Coimbatore.

2.The Rent Controller /
Principal District Munsif
Coimbatore.



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M.GOVINDARAJ, J.

TK



CRP (NPD) NO.4265 OF 2018

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18.07.2019