



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2019

CORAM :

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

CRP (MD) No.518 of 2019

M.Jafer Sathick

... Petitioner/landlord

vs.

Dhanasamay

... Respondent/Tenant

PRAYER:- Civil Revision Petition filed the under Article 227 of the Constitution of India, to issue a suitable direction to the learned District Munsif (Rent Controller), Pudukottai to dispose of R.C.O.P.No.8 of 2017.

For Petitioner : Mr.V.Sitharanjandas

ORDER

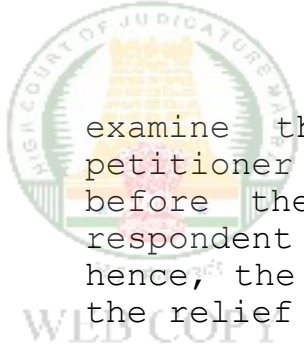
This Civil Revision Petition has been filed to direct the learned District Munsif (Rent Controller), Pudukottai to dispose of the case in R.C.O.P.No.8 of 2017.

2.The petitioner contended that he filed R.C.O.P.No.8 of 2017 for the eviction of scheduled mentioned property and delivery of the same. The petitioner further contended that the said R.C.O.P., was

filed in the year 2017 and when the said R.C.O.P. was taken on file, notice was ordered and the matter was posted to 20.07.2017 for filing counter. On 09.11.2017, when the matter was taken up for hearing, there was no representation on the side of the respondent, counter not filed, respondent called absent and hence, he was set ex parte on the same day itself. Thereafter, the respondent filed I.A.No.21 of 2018 to set aside the said ex parte order and the same was allowed by the Court below and an enquiry was fixed.

3.Once again, during the examination of the petitioner, the respondent did not appear before the Court below and he did not cross-examine the petitioner and hence, the case has been posted for arguments. Thereafter, the respondent filed I.A.No.3 of 2019 and the same is pending before the Court below.

4. Now, the grievance of the petitioner is that in spite of sufficient time and opportunity given to the respondent, he did not proceed with the case and on the opportunity, he did not cross-



examine the petitioner and by filing I.A.No.3 of 2019, the petitioner was put to lot of inconvenience when he appeared twice before the Court below for proceeding the case, whereas, the respondent did not appear for cross-examining the petitioner and hence, the petitioner filed the present Civil Revision Petition for the relief as prayed for.

5.On perusal of the records, it is observed that in spite of giving sufficient opportunity, the respondent is not proceeding with the case and naturally the petitioner faces inconvenience. Hence, this Court finds that a direction has to be given to the Court below to proceed with the case.

6.In view of the above, the learned District Munsif (Rent Controller), Pudukottai, is directed to dispose of the case in R.C.O.P.No.8 of 2017 within a period of three months from the date of receipt of a copy of this order.

7.This Civil Revision Petition is allowed with the above direction. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

mm

To

The District Munsif,
Pudukottai.

+1 CC to M/s.V.SITHARANJANDAS, Advocate (SR-54550[F] dated 18/03/2019)

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DS/ /SAR- (03.04.2019) 2P 3C