



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2019

CORAM :

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

CRP(MD) No.560 of 2019

R.Latha

... Petitioner/Petitioner/Landlord

vs.

Boopathi Educational and Social Trust,
by its Managing Trustee,
B.Kasiraman,
S/o.Boopathi Chettiar,
Karumariamman Kovil Street,
Kasthuribai Nagar,
Virudhunagar 626 001,
Virudhunagar District.

... Respondent/Respondent/Tenant

PRAYER:- Civil Revision Petition filed the under Article 227 of the Constitution of India, to issue appropriate direction for the speedy disposal of the case in I.A.No.45 of 2018 in R.C.O.P.No.15 of 2017 on the file of the Lease and Rent Controller (District Munsif Court, Virudhunagar) within a time frame.

For Petitioner : Mr.G.Mariappan

ORDER

This Civil Revision Petition has been filed for the speedy disposal of the case in I.A.No.45 of 2018 in R.C.O.P.No.15 of 2017 on the file of the Lease and Rent Controller (District Munsif Court, Virudhunagar).

2.The landlord filed R.C.O.P.No.15 of 2017 stating that the tenant had committed wilful default in making payment of rent for a period of 7 months. The monthly rent is Rs.10,000/- and he has not paid from February, 2017 till the date of filing the petition. Further, the landlord contended that she had filed a petition under Section 11 (4) of the Tamil Nadu Buildings (Lease and Rent Control) Act to strike out the defence available to the tenant and the same has been taken on file in I.A.No.75 of 2017. The Rent Control Authority, has passed an ex parte order on 22.02.2018 and thereafter, the tenant has filed a petition to set aside the ex parte order dated 22.02.2018, and the same has been allowed.

3.Once again the landlord filed another petition for claiming the arrears of rent from 01.08.2017 to 31.10.2018. It is the grievance of the landlord that the tenant is getting adjournments for the enquiry in I.A.No.75 of 2017 (rental arrears petition for the period from 01.02.2017 to 31.07.2017) and I.A.No.45 of 2018



(rental arrears petition for the period from 01.08.2017 to 31.10.2018). In the meanwhile, the tenant has filed R.C.O.P.No.1 of 2019 for fixing the fair rent and prayed for the R.C.O.P.No.15 of 2017 should be stayed till the disposal of R.C.O.P.No.1 of 2019 but the said cases are adjourned by the trial Court at request of the tenant.

4.The grievance of the landlord is that in spite of huge arrears to the tune of Rs.2,40,000/-, the Rent Control Court, has not considered the same and kept the said I.A., pending. In the meanwhile, the delay arose to the tenant to file the petition for fixing the fair rent. After filing the petition, the landlord was put to lot of inconvenience only for the wilful default in paying the arrears of rent i.e., Rs.2,40,000/-.

5.The grievance of the landlord is that she has filed the R.C.O.P., petition in the year 2017 and during the pendency of the proceedings, the tenant filed R.C.O.P., petition for the purpose of only to delay the said R.C.O.P., filed by the landlord proceedings. Hence, the present Civil Revision Petition.

6.Heard the learned counsel for the petitioner.

7.Considering the facts and circumstances of the case, the Lease and Rent Controller (District Munsif Court, Virudhunagar), is directed to dispose of the case in I.A.No.45 of 2018 in R.C.O.P.No.15 of 2017 within a period of four months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

mm

To

The District Munsif, lease and Rent Controller,
Virudhunagar.

+1CC TO MR.G.MARIAPPAN, Advocate Sr. No. 55057

CRP(MD) No.560 of 2019