



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2019

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THE HON'BLE MRS.JUSTICE S.RAMATHILAGAMC.R.P. (NPD) (MD) No.608 of 2019

N.Govindarajan :Petitioner/Petitioner/Landlord

Vs.

Sureshbabu :Respondent/Respondent/Tenant

Prayer:- Civil Revision Petition is filed, under Section 227 of the Civil Procedure Code, to direct the learned District Munsif Judge, Ramanathapuram to set aside the docket order dated 18.02.2019 and take on file for numbering the unnumbered E.P.No. /2019 in R.C.O.P.No.24 of 2013 and dispose of the same as expeditiously as possible and within the time stipulated by this Court.

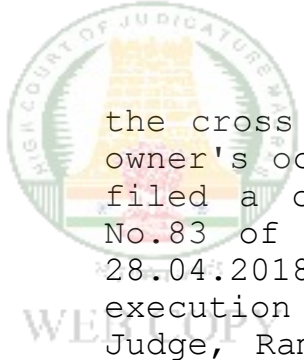
For Petitioner : Mr.G.Dinesh Raj

ORDER

This civil revision petition has been filed seeking for a direction to the District Munsif Court, Ramanathapuram, to set aside the docket order, dated 18.02.2019 in R.C.O.P.No.24 of 2013 and dispose of the same as expeditiously as possible, within the time stipulated by this Court.

2.The petitioner/ landlord is the owner of the premises and he let out the said premises to the respondent/tenant for running his pawn broker business on 01.03.2007. The rent for the said premises was fixed at Rs.700/- and a sum of Rs.50,000/- was given by the respondent/tenant as advance. According to the petitioner/landlord, the respondent/tenant has failed to pay rent from January 2010 onwards and without any valid license, he doing lottery business and gold business. Hence, the petitioner/landlord had filed R.C.O.P.No.24 of 2013, seeking to evict the respondent/tenant on the ground of willful default, act of nuisance and owner's occupation. According to the respondent/tenant, the petitioner has received rent till August 2013 and thereafter, the petitioner has purposefully refused to receive the rent.

3.The Rent Controller, after hearing both sides, has allowed the eviction petition on the ground of willful default and dismissed the same on all other grounds. Aggrieved by that order, the respondent/tenant has filed an appeal and the petitioner/landlord has filed a cross appeal. The Rent Control Appellate Authority had dismissed the appeal, but partly allowed



the cross appeal, thereby, confirmed the eviction on the ground of owner's occupation. Aggrieved over the same, the respondent/tenant filed a civil revision petition before this Court in C.R.P.(MD) No.83 of 2018 and the same was also dismissed by this Court on 28.04.2018. In the said circumstances, the petitioner has filed execution petition in E.P.No.39 of 2018 before the District Munsif Judge, Ramanathapuram for eviction. While so, the respondent has preferred a Special Leave Petition before the Hon'ble Supreme Court in S.L.P.C.No.027278 of 2018 and the same was dismissed. However, the petitioner/tenant is granted three months time from today to vacate the suit premises and payment of entire arrears of rent, as also payment of further rent of three months in advance by way of drafts for use and occupation to the petitioner / respondent within three weeks.

4.Even though the respondent/tenant has complied the above order, the respondent/tenant did not pay a sum of Rs.33,825/- being arrears of rent for the period from 01.01.2010 to 30.08.2013. Since the order in S.L.P did not mention any specific amount and also did not mention the period and without representing the same by explaining the Executing Court that how he has arrived the amount, the said returned was not complied with by the respondent/tenant. Aggrieved over the same, the petitioner/landlord has filed the execution petition for recovery of amount of Rs.33,825/- including the cost and the entire arrears of rent from 01.01.2010 to 30.08.2013 and for earlier disposal.

5.Hence, without furnishing any details that how he has arrived the arrears and without representing the same in the proper manner, the petitioner has approached this Court by filing the present civil revision petition. Hence, this civil revision petition is dismissed. However, it is for the petitioner to make proper explanation for arriving such an amount as arrear before the Executing Court and it is for the petitioner to approach the Executing Court by furnishing all details. Hence, the civil revision petition is dismissed. Accordingly, the Civil Revision Petition is dismissed. The petitioner shall pay a sum of Rs.500/-, as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry, Madurai Bench), within a period of two week from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To
The District Munsif, Ramanathapuram.

COPY TO
The Section Officer, Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.S.SATHYA CHIDAMBARAM, Advocate Sr. No. 60167

C.R.P.(NPD) (MD) No.608 of 2019
08.04.2019

AL(CO)
TR (28.05.2019) 3P 4C