



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P (MD)No.1161 of 2019

WEB COPY

1.A. Mumthaj Begam
2.Mumthaj Begam
through power agent
M.S.Mohammed Siddique

... Petitioner

Vs.

1.P. Thangamani
2.P.krishnasamy
3.P.Krishnamoorthy
4.P.Radhakrishnan
5.P.Thangaraj

... Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India to direct the Additional Subordinate Court, Kumbakonam to dispose the RCOP.No. 12 of 2014, on the file of the Principal District Munsif Court - Cum - Rent Controller, Kumbakonam within a time stipulated by this Court.

For Petitioner

: Mr. G. Gomathi Sankar

ORDER

This Civil Revision Petition has been filed for issuing a direction to dispose the RCOP.No. 12 of 2014, pending on the file of the Principal District Munsif Court - Cum - Rent Controller, Kumbakonam, within a time frame to be fixed by this Court.

2. According to the petitioner, he has filed RCOP.No. 12 of 2014 on the file of Principal District Munsif Court - Cum - Rent Controller, Kumbakonam, for eviction on the ground of wilful default. He has also filed I.A.No. 8 of 2018 for payment of arrears of rent and the same was allowed. The respondents have not paid the arrears of rent and prolonged the eviction proceedings pending in RCOP.No. 12 of 2014, by getting so many adjournments for the past five years. Hence, the petitioner has filed the present petition seeking a direction to dispose of the suit in RCOP.No.12 of 2014, at the earliest.

3. In view of the Judicial Notification No.C-5 CAS/2007, Tamil Nadu (Case Flow Management in Subordinate Courts) Rules, 2007, dated 23.11.2017, based on the order passed by the Hon'ble Supreme Court in ***W.P(Civil).No. 496 of 2002, (Salem Advocates Bar***



Association, Tamil Nadu Vs. Union of India), the learned counsel contended that RCOP must be disposed of within a period of 9 months from the date of filing.

4. In view of the limited relief sought for by the petitioner and considering the fact that no prejudice would be caused to the respondent by ordering this petition, this Court is of the view that notice need not be sent to the respondents.

5. Considering the facts and circumstances of the case and also the submission made by the learned counsel appearing for the petitioner and the judicial Notification No.C-5 CAS/2007, Tamil Nadu (Case Flow Management in Subordinate Courts) Rules, 2007, dated 23.11.2017, this Court is inclined to issue a direction to the Court below to dispose of the said RCOP within a time frame.

6. Accordingly, the learned Principal District Munsif Court - Cum - Rent Controller, Kumbakonam is hereby directed to dispose of the RCOP.No. 12 of 2014, pending on its file as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order.

7. This Civil Revision petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

The Principal District Munsif
Cum - Rent Controller, Kumbakonam.

+2 CC to M/s.G.GOMATHI SANKAR, Advocate SR-94026 & 94445.

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