



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

CRP(MD)Nos.1570 and 1571 of 2019

CRP (MD) No.1570 of 2019

1. P.Marimuthu
2. A.P.Viswanathan

... Revision Petitioners
Petitioners/Petitioners

versus

- M.R.G.Rajan(died)
1. Leela Rajan
 2. G.R.Senthilkumar
 3. G.R.Shivakumar
 4. G.R.Sureshkumar
 - 5.G.R.Rameshkumar

... Respondents/Respondents 2 to 6
Sole Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, seeking a direction to the First Additional District Munsif Court, Tiruchirapalli, to dispose of E.P.No.334 of 2011 in R.C.O.P.No.245 of 1997 within a time frame as may be fixed by this Court.

CRP (MD) No.1571 of 2019

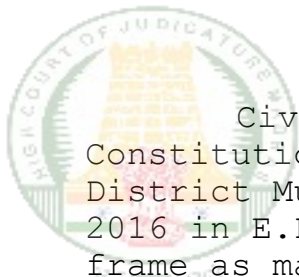
1. P.Marimuthu
- 2.A.P.Viswanathan

... Revision Petitioners/
Respondents 1, 2/Petitioners/Landlords

versus

1. G.R.Girija
- M.G.R.Rajan (died)
2. Leela Rajan
3. G.R.Senthilkumar
4. G.R.Sivakumar
5. G.R.Sureshkumar
6. G.R.Rameshkumar
7. Dr.G.R.Mala
8. G.R.Sheela
9. G.R.Latha
- 10.G.R.Kala
11. G.R.Shanthi
12. G.R.Geetha
13. G.R.Manjula
- 14.G.R.Usha

... Respondents 7 to 14/
Respondents 9 to 16/Third Parties



Civil Revision Petition filed under Section 227 of Constitution of India seeking a direction to the First Additional District Munsif Court, Tiruchirappalli, to dispose of E.A.No.54 of 2016 in E.P.No.334 of 2011 in R.C.O.P.No.245 of 1997 within a time frame as may be fixed by this Court.

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For Revision Petitioners : Mr.M.Saravanan

COMMON ORDER

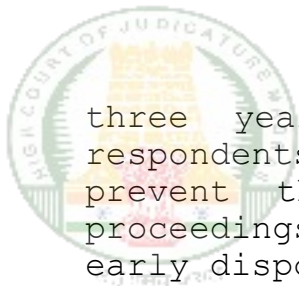
CRP(MD)No.1570 of 2019 has been filed seeking a direction to the First Additional District Munsif Court, Tiruchirappalli, to dispose of E.P.No.334 of 2011 in R.C.O.P.No.245 of 1997 within a time frame to be fixed by this Court.

2. CRP(MD)No.1571 of 2019 has been filed seeking a direction to the First Additional District Munsif Court, Tiruchirappalli, to dispose of E.A.No.54 of 2016 in E.P.No.334 of 2011 in R.C.O.P.No.245 of 1997 within a time frame to be fixed by this Court.

3. Originally, the revision petitioners, who are the landlords, filed R.C.O.P.No.245 of 1997 before the Rent Controller (the First Additional District Munsif), Tiruchirappalli, for eviction of tenants, who are the respondents herein, on the ground of willful default in paying the monthly rent. The Rent Controller, by order dated 28.02.2003, allowed the said petition on the ground of willful default and ordered eviction. Aggrieved over the same, the respondents herein filed an appeal in R.C.A.No.13 of 2004 before the Rent Control Appellate Authority, Tiruchirappalli. But, the said appeal was dismissed by the Rent Control Appellate Authority on 23.06.2011. Hence, the revision petitioners/decreed holders filed E.P.No.334 of 2011 in R.C.O.P.No.245 of 1997. Thereafter, the respondents herein filed CRP(NPD)(MD) No.830 of 2012 before this Court, challenging the Judgment and Decree dated 23.06.2011 made in R.C.A.No.13 of 2004, wherein, this Court also, by an order dated 21.06.2016, dismissed the said revision petition. Thereafter, one G.R.Girija, one of the legal heirs of the deceased M.R.G.Rajan, filed E.A.No.54 of 2016 before the learned First Additional District Munsif, Tiruchirappalli.

4. It is the grievance of the revision petitioners that even after the dismissal of Civil Revision Petition in the year 2016, the Execution Petition filed by them has not been disposed of till date. Further, E.A.No.54 of 2016 is also pending for the past three years. Hence, the revision petitioners are before this Court.

5. The learned counsel appearing for the revision petitioners submits that the Execution Petition filed by the revision petitioners is pending from the year 2011. Furthermore, one of the legal representatives of the deceased M.R.G.Rajan filed E.A.No.54 of 2016 before the Executing Court and the same is pending for the past



three years. The learned counsel further submits that the respondents keep on taking adjournment from time to time in order to prevent the revision petitioners from executing the eviction proceedings. Hence, the revision petitioners seek direction for early disposal of E.A.No.54 of 2016 and E.P.No.334 of 2011.

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6. Heard the learned counsel appearing for the revision petitioners and perused the records.

7. It is seen from the records that eviction order was passed by the Rent Controller in the year 2003 and the same was confirmed by the Rent Control Appellate Authority in the year 2011. Aggrieved over the same, a Civil Revision Petition was filed before this Court, which was also dismissed by this Court, by an order dated 21.06.2016. Thereafter, one of the legal heirs of the tenant filed E.A.No.54 of 2016 and she keeps on taking adjournment from time to time. It shows the attitude of the respondent in protracting the matter with an intention to prevent the revision petitioners from executing the eviction order.

8. In view of the above, this Court directs the learned First Additional District Munsif, Tiruchirappalli, to dispose of E.A.No.54 of 2016 in E.P.No.334 of 2011 in R.C.O.P.No.245 of 1997, on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order and also to dispose of E.P.No.334 of 2011 in R.C.O.P.No.245 of 1997 within a period of three months thereafter.

9. With the above direction, both the Civil Revision Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

The First Additional District Munsif Court,
Tiruchirapalli.

+1 CC to Mr.R. SUBRAMANIAN, Advocate SR-86738.

CRP(MD)Nos.1570 and 1571 of 2019

13.09.2019

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