

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP (PD) No.2637 of 2019

Devraj Kothari

... Petitioner

Vs.

Vipin Chandran

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 19.02.2019 passed in M.P.No.207 of 2018 in RCA No.460 of 2018 by the VIII Judge, Court of Small Causes, Chennai.

For Petitioner : Mr.D.Murugan

For Respondent : Mr.S.Jaganathan

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 19.02.2019 passed in M.P.No.207 of 2018 in RCA No.460 of 2018 by the VIII Judge, Court of Small Causes, Chennai.

2. The petitioner herein is the owner of the property and he had filed a petition in RCOP No.162 of 2009 before the XIV Judge, Court of Small Causes Chennai for direction to the respondent to quit and deliver vacant possession of the property to the petitioner and the same was allowed on 01.03.2018. Against which, the respondent herein filed RCA No.460 of 2018 before the VIII Judge, Court of Small Causes. Pending appeal, the petitioner herein filed a petition in M.P.No.207 of 2018 in RCA No.460 of 2018 for direction to the respondent to pay the arrears of rent of Rs.13,80,000/- and the same was allowed in part by directing the respondent herein to deposit a sum of Rs.1,32,000/- in to the court on or before 19.03.2019, failing which the proceedings of the appeal will be stopped and eviction will be ordered . The first appellate court further directed the respondent herein to deposit a sum of Rs.12,000/- every month on or before 10th day of succeeding month into the court till the disposal of the appeal. The above said condition was complied with by the respondent herein and the petitioner herein also withdrew the deposited amount of Rs.1,32,000/- from the court.

3. Now, challenging the above said order passed in M.P.No.207 of 2018 in RCA No.460 of 2018, the petitioner has filed the present civil revision petition.

4. The learned counsel appearing for the petitioner submitted that the trial court has erred in directing the respondent to deposit only a sum of Rs.1,32,000/-, instead of Rs.13,80,000/-. According to him, the respondent is liable to pay the default rent from 07.01.2008 to 07.05.2018 at Rs.12,000/- per month, amounting to Rs.13,80,000/-. He further submitted that the above said petition was filed under Section 11(4) of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960, which does not say anything about restrictions, but the first appellate court without seeing the the above said provision, erroneously directed the petitioner to deposit only a sum of Rs.1,32,000/-. Hence, he prayed before this court to interfere with the orders passed by the first appellate court and directed the respondent to pay the remaining amount towards the arrears of rent by way of deposit.

5. This court considered the submission raised by the counsel for the petitioner and perused the materials on record. The appeal in RCA No.460 is of the year 2018. Therefore, this court directs the first appellate court to dispose the RCA No.460 of 2018, within a short period, so as to enable the petitioner to get an appropriate order and the petitioner is also having rights to raise all the grounds before the first appellate court.

6. The learned counsel appearing for the respondent submitted that the respondent is willing to co-operate with the proceedings for the speedy disposal of the aforesaid appeal.

7. Accordingly, this court directed the VIII Judge, Court of Small Causes, Chennai to dispose the RCA No.460 of 2019, as far as possible, within a period of 12 weeks from the date of receipt of the copy of this order.

8. With the above observation, this civil revision petition is disposed of. No costs.

02.03.2020

Note: Issue Order copy on or before 16.03.2020

Index : Yes/No

Internet: Yes/No

Speaking order/Non Speaking order
mst

To

The VIII Judge,
Court of Small Causes, Chennai.

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D.KRISHNAKUMAR, J.
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