



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (NPD) (MD) No.475 of 2020

&CMP (MD) .No.2939 of 2020

WEB COPY

Mohandass

... Petitioner/Respondent/
Respondent/Respondent

Vs.

Gayathiri

... Respondent/Petitioner/
Petitioner/Petitioner

PRAYER: The Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the order made in E.P.No.248 of 2019 in R.C.O.P.No.26 of 2019 dated 24.01.2020, on the file of Principal District Munsif of Madurai Town.

For Petitioner : Mr.R.Murali
For Respondent : Mr.J.Barathan

ORDER

The present Civil Revision Petition is filed challenging an order of the learned Rent Controller in directing break open the premises with police protection.

2.The brief facts are that the respondent landlord has laid R.C.O.P.No.26 of 2019 for evicting the revision petitioner/tenant on the grounds of wilful default and for her own residential use. As there was arrears of rent, she filed a petition under Section 11 of the Tamilnadu Buildings(Lease and Rent Control) Act 1960 and an order was passed under Section 11(4) of the Tamilnadu Buildings (Lease and Rent Control) Act 1960 on 08.08.2019 directing the tenant to deposit the entire arrears of rent within a period of one month. As the amount as stipulated was not deposited, a formal order for evicting the tenant was passed by the Rent Controller on 04.09.2019. Subsequently, on 25.10.2019, the respondent had laid an Execution Petition, in which the impugned order came to be passed.

3.The grievance of the learned counsel for the tenant/revision petitioner is that the revision petitioner could obtain a certified copy of the order passed under Section 11(4) of the Tamilnadu Buildings(Lease and Rent Control) Act 1960, only on 23.10.2019 and in these circumstances, to pass an order in the Execution Petition filed on 25.10.2019 virtually renders his right of appeal under the said Act meaningless. At least, the tenant should have been put on notice, but, the rent controller had not done it.



4.Heard, Mr.Barathan, learned counsel for the respondent.

5.This Court was informed in the course of the hearing that till date the revision petitioner has not preferred any appeal of which he is aggrieved. It is now more than a year since the passing of the order and therefore, what might have been relevant or perhaps the just ground for feeling aggrieved when the revision petition was filed cannot be canvassed at this distant point of time. This Court therefore does not find any merit in this Civil Revision Petition and the same is dismissed.

6.If any further application is filed, the respondent landlord is required to put the revision petitioner/tenant on notice about it and the Rent Controller shall dispose of the same on merit, without any unnecessary loss of time, since as per the provisions of the Tamilnadu Buildings(Lease and Rent Control) Act 1960, the tenant facing execution proceedings do not have too many reasons to defend eviction.

7.In the result, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Principal District Munsif,
Madurai Town.

+1 CC to M/s.T.R.JEYAPALAN, Advocate SR-22879.

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CK (CO)

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