

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

**C.R.P.(NPD) No.489 of 2019
and C.M.P.No.3204 of 2019**

1.P.Ramachandran
2.P.Ganesan

...Petitioners

Vs.

A.M.Hameedhu Maraikayar
Family Trust,
Represented by Joint Trustees
1.H.A.Fathima Nachiyar
2.H.A.Hameedh Maraikayar
No.6, Mallumiyar Street
Nagore, Nagapattinam Taluk.

...Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 03.10.2018 made in I.A.No.20 of 2018 in R.C.O.P.No.7 of 2016 passed by the learned District Munsif/Rent Controller, Nagapattinam.

For Petitioners : Mr.P.Dinesh Kumar
For Respondents : Mr.J.R.K.Bhavanantham for
Mr.N.S.M.Md.Jafarullah

ORDER

This Civil Revision Petition has been filed, as against the fair and decreetal order dated 03.10.2018 made in I.A.No.20 of 2018 in R.C.O.P.No.7 of 2016 passed by the learned District Munsif/Rent Controller, Nagapattinam.

2.The respondent herein has filed the R.C.O.P.No.7 of 2016 to evict the petitioners from the petition premises.

3.Pending R.C.O.P, the petitioners herein filed a petition in I.A.No.20 of 2018 on the file of the District Munsif/Rent Controller, Nagapattinam, to condone the delay of 69 days in filing the petition to set aside the exparte order.

4.After hearing the arguments advanced on either side, the learned Trial Judge dismissed the application.

5.Aggrieved against the order of the learned Trial Judge in I.A.No.7 of 2016 dated 03.10.2018, the petitioners are before this Court with this Civil Revision Petition.

6.When the matter was listed on 04.08.2021, there was a proposal by the learned counsel for the respondent that if the petitioners pay the rent

at the rate of Rs.7,000/- per mensem, as per the written agreement dated 15.05.2015, he has no objection for allowing this Civil Revision Petition.

7.The learned counsel for the petitioners would submit that there is a dispute between the petitioners and the respondent with regard to the quantum of rent.

8.According to the petitioners quantum of rent was fixed at Rs.1200/- for the petition premises. However, the respondent demands Rs.7,000/- per mensem as a monthly rent.

9.On 04.08.2021, the learned counsel for the petitioners submitted that the petitioners are prepared to deposit the rent and willing to cooperate for early disposal of the R.C.O.P.No.7 of 2016 and also he sought for adjournment, to get instructions from his client.

10.Accordingly the matter stands posted today, i.e., on 06.08.2021 and the learned counsel for the petitioners informed that the petitioners are ready and willing to deposit in the Court, the monthly rent at the rate of Rs.7,000/- per mensem and the learned counsel for the respondent also accepted for this proposal.

11.In view of the above, order dated 03.10.2018 in I.A.No.7 of

2016 is hereby set aside with a direction to the petitioner to deposit a sum of Rs.7,000/- per mensem after deducting the monthly rent amount already paid by the petitioners from 15.02.2016 to till date and continue to deposit the rent at the rate of Rs.7,000/- per mensem, to the credit of R.C.O.P.No.7 of 2016. The learned District Munsif/Rent Controller, Nagapattinam, is directed to decide the quantum of rent on merits and in accordance with law, at the time of disposing the R.C.O.P.No.7 of 2016 and on such disposal the respondent is permitted to withdraw the amount deposited by the petitioners.

12.In the result, this Civil Revision Petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

06.08.2021

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Index:Yes/No

Internet:Yes/No

Speaking Order: Yes/No

To

The District Munsif/Rent Controller
Nagapattinam.

G.CHANDRASEKHARAN.J.

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