

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.03.2021

CORAM:

THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN, J.**

C.R.P.(PD)Nos.349, 351 & 352 of 2021

Tecfast Rep by its Partners

1.M.Subbalakshmi

2.Suvarna Padmalatha

3.Seshukumar

...Petitioners in C.R.P.Nos.349 & 351 of
2021

Tecfast Rep by its Partners

1.M.Subbalakshmi

2.Suvarna Premalatha

...Petitioners in C.R.P.No.352 of 2021
Vs

M/S.Sri Bagavathi Offset Works

Rep by its Managing Partner,

Mr.P.V.Satheesh Kumar,

S/o.Mr.P.Velayutham,

No.5, second Floor, Saravana Nagar Main Road,

Seevaram, Chennai-600 096.

...Respondent in C.R.P.No.349 of 2021

M/S.Pooja Graphics

Rep by its Managing Partner,

Mr.P.V.Satheesh Kumar

S/o.Mr.P.Velayutham,

No.5, Second Floor, Saravana Nagar Main Road,

Seevaram, Chennai-600 096.

...Respondent in C.R.P.No.351 of 2021

M/s.Abc Traders
Partnership Firm Represented by
It's Proprietor Mr.V.Prem Kumar,
Having Office at No.5, Saravana Nagar Main Road,
Seevaram, Chennai-600 096

... Respondent in C.R.P.No.352 of 2021

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of Constitution of India to direct the learned Principal District Munsif Court at Alandur to dispose the R.C.O.P.Nos.51, 52 & 53 of 2017 within the stipulated time.

For Petitioner : Mr.V.Karnan

COMMON ORDER

The limited prayer sought for in the present revision is for a direction to the trial Court to dispose of the R.C.O.P.Nos.51,52 & 53 of 2017 expeditiously.

2. The petitioners herein herein/plaintiff have filed R.C.O.P.Nos.51,52 & 53 of 2017 to direct the respondents to vacate and hand over the scheduled mentioned property to the petitioner on the ground of wilful default is payment of rent from August 2016 to June 2017 and on the further ground that the petitioner requires the said premises for their own use and occupation.

3. Learned counsel appearing for the petitioners submit that the respondents are trying to drag on the proceedings by filing memo for production of the bank statements of the appellants, which in no way relevant to the case of the respondents. It is further contention of the learned counsel for the petitioner that the miscellaneous petition in M.P.No.49 of 2018, which was filed in R.C.O.P.No.52 of 2017 was kept pending at the initial stage itself by the trial Court without assigning any valid reason. It is the further contention of the learned counsel for the petitioners that though the petitions have been filed for wilful default in payment of rent and also on the ground of own use and occupation, however, the trial Court, without sufficient cause and applying its mind to the case of the petitioners, even after a lapse of about four years is keeping the proceedings pending, which is causing grave hardship and prejudice to the petitioners. Therefore, it is prayed that a direction be issued to the trial Court to dispose of the petitions within a time frame fixed by this Court.

4. This Court paid its attention to the submissions advanced by the learned counsel for the petitioners and also perused the materials

available on record.

5. Even at the very outset it is to be pointed out that the petitions have been filed before the trial Court on the ground of wilful default and also on the further ground of requirement of the premises for own use and occupation. The petitions have been filed as early as on 07.02.2017 and for the past four years, the petitions are pending at the stage of filing counter. By allowing the petitions to lie idle for a period of four years for the purpose of filing counter, legitimate interests of the petitioners, if any, gets defeated. The petitioners ought not to suffer on account of non-filing of counter over a period of four years.

6. In such view of the matter, this Court directs that respondents in the petitions shall be granted time of two weeks by the trial Court for filing counter from the date of receipt of a copy of this order and, thereafter, the Principal District Munsif Court, Alandur, is directed to proceed further to dispose of the petitions within a period of four months thereafter.

7. The civil revision petitions stands disposed of with the aforesaid observations and directions.

01.03.2021

Index: Yes/No

Speaking order/Non Speaking order
sbn



WEB COPY

V.BHAVANI SUBBAROYAN, J.

sbn

To

The Principal District Munsif Court,
Alandur.



C.R.P.(PD)Nos.349, 351 & 352 of 2021

WEB COPY

01.03.2021