

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

C O R A M

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(NPD) Nos.357 & 358 of 2021

1. Vaheeda, M.
2. Ummusalma. A ... Petitioners
Vs.
1. A. Jayapal,
2. K. Venkatakrishnan ... Respondents

Common Prayer: These Civil Revision Petitions under Article 227 of Constitution of India seeking for to direct the Rent Control Appellate Authority/Sub-Ordinate Judge, Coimbatore to dispose of the R.C.A. Nos.53 of 2018 and 51 of 2019 , pending on the file of the Rent Control Appellate Authority/Sub-Ordinate Judge, Coimbatore within a time frame as fixed by this Court.

For Petitioners ... Mr.R. Bharanidharan

For Respondents ... No Appearance

COMMON ORDER

These Civil Revision Petitions under Section 115 of CPC have been filed seeking for to direct the Rent Control Appellate Authority/Sub-Ordinate Judge, Coimbatore to dispose of the R.C.A. Nos.53 of 2018 and 51 of 2019 , pending on the file of the Rent Control Appellate Authority/Sub-Ordinate Judge, Coimbatore within a time frame as fixed by this Court.

2.The case of the petitioners is that the petitioners are landlords who had filed RCOP No.74 of 2010 before the Rent Controller and the I Additional District Munsif, Coimbatore against the respondents-tenants seeking for to direct the respondents-tenants to vacate and surrender vacant possession of the petition mentioned property to the petitioners-landlords. Pending the aforesaid RCOP, the petitioners-landlords have filed the interlocutory application in I.A. No.166 of 2017 under Section 11(4) of the Tamil Nadu Buildings (Lease & Rent Control) Act, on its

file seeking for a direction to the respondents-tenants to pay the entire balance of arrears of rent a sum of Rs.6,00,000/- accrued up to 16.07.2017 and also to pay the future rent of Rs.30,000/- per month to each petitioners-landlords as and when it becomes due within a specified date. The same was allowed by order dated 15.02.2018 directing the respondents-tenants to pay the arrears of rent of Rs.6,00,000/- to the petitioners-landlords within one month from the date of order. Being aggrieved, the respondents-tenants herein have filed RCA No.51 of 2019 before the Rent Control Appellate Authority and the Sub-ordinate Judge, Coimbatore. In the meanwhile, the RCOP No.74 of 2010 was also allowed by order dated 25.06.2018 directing the respondents-tenants to vacate and handover the petition mentioned property to the petitioners-landlords as the respondents-tenants did not comply with the order dated 15.02.2018 passed by the Rent controller in I.A.No.166 of 2017. Being aggrieved by the aforesaid order, the respondents-tenants have filed another RCA No.53 of 2018 before the Appellate Court against the eviction of the petition mentioned property. As the aforesaid both RCAs are pending before the Rent Control Appellate Authority being adjourned from time to time without any disposal as on date, the petitioners being

the landlords are not able to receive any rent and it is causing great hardship to them. Hence, the petitioners-landlords have filed the present Civil Revision Petitions seeking for to direct the Rent Control Appellate Authority to dispose the aforesaid both RCAs filed by the respondents herein within a time frame as fixed by this Court.

3. The learned counsel for the petitioners would submit that since the both RCAs filed by the respondents-tenants are being adjourned from time to time without any valid reasons at the request of the respondents-tenants, the petitioners-landlords are not able to either enjoy the fruits of the orders in I.A No.166 of 2017 and R.C.O.P. No.74 of 2010 passed by the Rent Controller. In view of the pending both RCAs, the petitioners-landlords are unable to receive the rents for more than 4 years. ie. Since 2016 despite the direction passed by the Trial Court to the respondents-tenants to pay the arrears of rent. Hence, the petitioners seeks the indulgence of this Court to direct the Rent Control Appellate Authority/Subordinate Judge, Coimbatore, to dispose of the RCA No.53 of 2018 and RCA No.51 of 2019 within a time frame as fixed by this Court.

4. Heard, the learned counsel for the petitioner and perused the material available on record.

5. On going through the typed set of papers, it is seen that the respondents herein have been dragging on the matter in both RCAs without come forward to argue the matter. From the year 2018 and 2019, both RCA No.53 of 2018 and RCA No.51 of 2019 are being adjourned from time to time on the ground of arguments on the side of the respondents since there is no representation on the side of respondents-tenants for many hearings. Since the respondents-tenants have not come forward to argue the aforesaid cases, the aforesaid matters have been pending from 30.10.2018 and 27.11.2019 and posted simply from time to time on the ground of arguments. That being the position, this Court is of the considered view that as the aforesaid cases having been adjourned for the arguments till date, the Court below is directed to hear the arguments on either side to come to conclusion after issuing notice to the petitioners and the respondents and dispose of the same within a period of nine months from the date of receipt of copy of this order.

V.BHAVANI SUBBAROYAN, J.,

lbm

6. In the result, these Civil Revision petitions are disposed of with the above directions. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

02.03.2021

Lbm

Index: Yes/No.
Speaking/Non-Speaking order
Internet: Yes/No.

To:
The Rent Control Appellate Authority/Sub-Ordinate Judge,
Coimbatore

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