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C.R.P.(NPD).No.611 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.(NPD).No.611 of 2019
and C.M.P.No.4103 of 2019

S.Velankanni

... Petitioner

Versus

A.Madhuvan

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of CPC, praying to set aside the delivery order made in E.P.No.13 of 2019 in R.C.O.P.No.1014 of 2017, dated 11.01.2019 passed by the XIII Court of Small Causes, Chennai.

For Petitioner : Mr.B.Ganesha Moorthy

For Respondent : Mr.Moheet Rathore
for P.Subbu Reddy

ORDER

This Civil Revision Petition has been filed against the delivery order made in E.P.No.13 of 2019 in R.C.O.P.No.1014 of 2017, dated 11.01.2019 passed by the XIII Court of Small Causes, Chennai.



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C.R.P(NPD).No.611 of 2019

2.Heard both sides.

3.The Revision petitioner herein is the tenant, against whom, RCOP.No.1014 of 2017 was filed by the respondent/landlord for eviction on the ground of wilful default.

4. The revision petitioner also contested the said RCOP through his counsel. The respondent/landlord filed M.P.No.170 of 2018 claiming arrears of rent. The said application was allowed by the Rent Controller on 06.09.2018, directing the revision petitioner to pay a sum of Rs.60,000/- as rental arrears on or before 01.10.2018. The case was posted on 03.10.2018 and because of non-compliance of the order on the part of the petitioner/tenant, the main RCOP was allowed on the said date by the Small Causes Court, Chennai. Against the order passed in the Miscellaneous Petition, the tenant filed this revision.

5. The learned counsel appearing for the revision petitioner would submit that they are close relatives and there is no relationship of the



C.R.P(NPD).No.611 of 2019

landlord and tenant between them. All these defence can be taken only on deposit of the arrears of rent. But even at the time of filing of this revision, the petitioner is not inclined to deposit the arrears of rent inspite of the direction given by this Court.

6.Accordingly, this Civil Revision petition is dismissed as no merits. No costs.

28.10.2021

Internet : Yes / No

Index : Yes / No

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To
The XIII Court of Small Causes,
Chennai.



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C.R.P(NPD).No.611 of 2019

T.V.THAMILSELVI, J.

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