



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM :

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P.No.1995 of 2021

1.Thenmozhi
2.Raja Thilagam
3.Ganesh @ Raja rajan
4.Perumal Raja
5.Thilagam ... Petitioners/3rd Party Legal Hears of D1

Vs

1.George Raja
2.S.Charles Victor
3.S.Jesumani ... Respondents/Plaintiff

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order passed in unnumbered Sr.No.898 of 2020 in O.S.No.291 of 2013 on the file of the Registry, In the Court of Principal District Munsif, Cuddalore dated 16.10.2020 and prays to set aside the order passed by the Registry, District Munsif, Cuddalore.

For Petitioner : Mr.R.Venkatesh.

O R D E R

This Civil Revision Petition has been filed seeking direction to the Learned District Munsif, Cuddalore to number the unnumbered interlocutory application Sr.No.898 of 2020.

2.The case of the Petitioner is that the Suit in O.S.No.291 of 2013 was filed by the Respondents against the father of the Petitioners 2 to 4 seeking the relief of mandatory injunction not to evict the plaintiff by force and except by due process of law. The husband of the First Petitioner has filed H.R.C.O.P.No.6 of 2014 for evicting the Respondents on the ground of willful default and eviction was ordered. Respondents had filed R.C.A.No.02 of 2014. Subsequently, the said R.C.A.No.02 of 2014 was allowed and the matter was remanded to the Learned Rent Controller for fresh disposal. The Respondents have deposited a sum of Rs.11,90,640/- towards rental arrears for the period of 86 months from 03.04.2014 to 18.09.2020 in O.S.No.291 of 2013 and the said amount belongs to the Petitioners. Hence the Petitioners have filed an interlocutory Application under Rule 163 to 165 of Civil Rules of Practice and the same was



returned. Hence, this Petition.

3.The Learned Counsel for the Petitioners submitted that Respondents are still continuing as tenants in the Suit property in O.S.No.291 of 2013. The Petitioners have initiated separate proceedings under Rent Control Act against the Respondents and the Petitioners do not want to proceed with the said Suit. Under the said circumstances, it is prayed that the rental arrears deposited to be given to the Petitioners.

4.Apparently the return of the Learned Principal District Munsif, Cuddalore shows that there is no specific reason given for returning the interlocutory Application filed by the Petitioners. Hence, the Learned Principal District Munsif, Cuddalore is directed to number the interlocutory Application filed for issuance of cheque in favour of the Petitioners, and issue notice to the Respondents and hear them and after hearing both the parties, pass appropriate orders.

5.With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ay/ep

To

The Principal District Munsif,
Cuddalore.

Copy To

The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to Mr.Venkatesh, Advocate, S.R.No. 50291

C.R.P.No.1995 of 2021

MG(CO)
GN(13/10/2021)