

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

CRP. (NPD) Nos.2136 and 2138 of 2021

and C.M.P.No.16203 of 2021

M/s.Jayachandra Bearings India Pvt., Ltd.,

Represented by its Managing Director,

Mr.Jayakumar Palanisamy.

... Petitioner in

both C.R.P.Nos

Vs.

M/s.Salebhai Shrinbai Vagh Trust,

Represented by its Trustee,

Shabir T.Vagh.

... Respondent in

both C.R.P.Nos

Prayer in CRP. (NPD) No.2136 of 2021

Civil Revision Petitions are filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 04.09.2021 passed by the learned Principal District Munsiff, Coimbatore in E.A.No.1 of 2019 in E.P.No.23 of 2019 in R.C.O.P.No.309 of 2013.

Prayer in CRP. (NPD) No.2138 of 2021

Civil Revision Petitions are filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 04.09.2021 passed by the learned Principal District Munsiff, Coimbatore in E.P.No.23 of 2019 in R.C.O.P.No.309 of 2013.

For Petitioner in both C.R.Ps : Mr. L.Mouli

COMMON ORDER

C.R.P.No.2136 of 2021 is filed to challenge the order passed in E.A.No.1 of 2019 in E.P.No.23 of 2019 in R.C.O.P.No.309 of 2013 and C.R.P.No.2138 of 2021 is filed to challenge the order passed in E.P.No.23 of 2019 in R.C.O.P.No.309 of 2013 on the file of the learned Principal District Munsif, Coimbatore on 04.09.2021.

2.The learned counsel for the petitioners submitted that the respondent filed in R.C.O.P.No.309 of 2013 for eviction of the petitioner under Section 10(2)(i), 10(2)(iii), 10(2)(ii)(a) and 10(3)(a)(ii) of the Tamilnadu Buildings (Lease and Rent Control) Act 1960. The petitioner filed a counter in RCOP petition. However, the petitioner had not contested the matter and therefore, an order of eviction was passed against the petitioner. The petitioner now filed E.A.No.1 of 2019 under Sections 47 and 151 of Civil Procedure Code, questioning the executability of the decree. It is the contention of the learned counsel for the petitioner that the decree is inexecutable for the reason that the

building in question is exempted under Section 29 of Tamil Nadu Buildings (Lease and Rent Control) Act, as it is a Trust property. This is the only ground on which this petition under Sections 47 and 151 of Civil Procedure Code was filed. The said petition was contested by the respondent. The learned trial judge, considering the rival submissions, dismissed the petition. Against the dismissal order, this Civil Revision Petition is preferred.

3.Considered the submission of the learned counsel for the petitioner and perused the materials available on record.

4.As stated above, the respondent filed the eviction petition against the petitioner on the grounds aforesaid. The petitioner filed counter in R.C.O.P.No.309 of 2013. But, failed to contest the eviction petition. Therefore, it is not open to the petitioner to contend that the respondent is a Trust and the respondent is exempted under Section 29 of the Tamil Nadu Buildings(Lease and Rent Control) Act. In this view of the matter, this Court finds no reason to interfere with the order of the learned trial Judge dismissing E.A.No.1 of 2019 in E.P.No.23 of 2019 in R.C.O.P.No. 309 of 2013 and ordering eviction and delivery of possession in E.P.No.23 of 2019 in R.C.O.P.No. 309 of 2013 and the order is confirmed. Accordingly, these Civil Revision Petitions are

G.CHANDRASEKHARAN,J.

vsn

dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.10.2021

Index: Yes / No
Speaking order / Non speaking order
vsn



Copy To:

The Principal District Munsiff Judge,

Coimbatore

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