



C.R.P.(NPD).No.2760 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.2760 of 2021

and

C.M.P.No.20134 of 2021

1.Vimaladevi

2.Kavitha

3.Rajkumar

.. Petitioners

Vs.

1.M/s.Universla Fertilizer Corporation,
A registered Partnership firm rep.
by its Managing Partner
P.Vijay Nataraj, S/o. Periyasamy Gounder,
418 A, Suramangalam Main Raod,
Pallipatty, Salem – 9.

2. Manoranjitham

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and final orders dated 07.10.2021 in REA.No.8 of 2021 in REP.No.581 of 2011 on the file of IV Additional District Munsif Court, Salem and allow the above CRP.



WEB COPY



C.R.P.(NPD).No.2760 of 2021

For Petitioner : Mr.R.Nalliyappan

ORDER

This vexatious Revision Petition has been filed by the respondents 3 to 5 in R.E.P.No.581 of 2011. The said Execution Petition has been filed seeking execution of eviction order passed by the Rent Controller, Salem on 23rd December 2010.

2. The eviction order came to be passed, since the order passed to deposit the rents under Section 11(3) of the Tamil Nadu Buildings (Lease and Rent Control) Act was not complied with and the proceedings were stopped under Section 11(4) of the Act. The order stopping proceedings was challenged in RCA.No.3 of 2001, which was dismissed on 29.06.2011.

3. Thereafter, the landlord launched execution proceedings. The original tenant Arjunan died and the petitioners and one Manoranjitham were impleaded as his legal representatives, as persons in occupation of the property. The said Manoranjitham filed an application under Section 47 of



C.R.P.(NPD).No.2760 of 2021

the Code of Civil Procedure seeking appointment of Commissioner, contending that, she is a tenant in respect of another portion of the property, under the very same landlord and the landlord is attempting to dispossess her, in the guise of execution of eviction order passed in RCA.No.3 of 2001. The said petition was dismissed by the Court after enquiry.

4. After dismissal of the said petition, the children of Manoranjitham viz., the petitioners herein have come up with the instant application seeking appointment of Commissioner, raising very same contentions. The Rent Controller held that such a petition is not maintainable. He also found that it is an abuse of process of Court. On the above finding, the Rent Controller dismissed the application.

5. Heard, R.Nalliyappan, learned counsel appearing for the petitioners.

6. Mr.R.Nalliyappan, would submit that they are in occupation of more than 10,000 sq.ft belonging to the landlord, but, the eviction order



C.R.P.(NPD).No.2760 of 2021

relates only to 3000 sq.ft. Therefore, according to him, the landlord is attempting to take possession of the area which is in possession of Manoranjitham, in the guise of executing the eviction order in RCOP.No.41 of 2001.

7. I am unable to countenance the submission of the counsel. The executing Court has found that a similar application with similar contentions was filed by Manoranjitham in R.E.A.No.1 of 2019 and the same was dismissed after contest. The children of Manoranjitham have now come up with this application. I therefore see no *bona fides* in the attempt and this is only a brazen attempt to delay the execution of the decree.

8. Therefore, this Civil Revision Petition is **dismissed**. I refrain from imposing costs, because the Revision is dismissed without being admitted. Consequently, the connected miscellaneous petition is closed.

9. It is seen from the records that the Execution Petition is pending for about 10 years. The trial Court is directed to dispose of the Execution



C.R.P.(NPD).No.2760 of 2021

Petition within a period of three (3) months from the date of receipt of a copy of the order and report such disposal to this Court. It is made clear that any delay in disposing of the Execution Petition, within the time frame, will be viewed seriously.

14.12.2021

dsa

Internet : Yes/ No

Index : Yes/ No

Speaking order/ Non-Speaking order

To

The IV Additional District Munsif, Salem.



WEB COPY



C.R.P.(NPD).No.2760 of 2021

R.SUBRAMANIAN, J.

dsa

C.R.P.(NPD).No.2760 of 2021

14.12.2021