



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.2839 of 2021
and
C.M.P.No.20572 of 2021

1. Sri Ponmagal Textiles,
Rep. by its Partner, V.Palanisamy
S/o. Velusamy
Door No.198 and 199, Trichy Road, Ondipudur,
Coimbatore.
2. V.Palanisamy
3. Kavitha ..Petitioners
Vs.
V.Rangaraj ..Respondent

PRAYER: Civil Revision Petition filed under Section 25 of Lease and Rent Control Act, praying to set aside the order dated 15.11.2021 made in I.A.No.2 of 2021 in RCA.No.44 of 2019 on the file of Principal Sub-Ordinate Judge, Coimbatore against RCOP.No.55 of 2010 on the file of Principal District Munsif Court, Coimbatore.

For Petitioners: Mr.P.Saravana Sowmiyan

For Respondent : Mr.C.Deepak Kumar for caveator

O R D E R

Heard Mr.P.Saravana Sowmiyan, learned counsel appearing for the petitioners and Mr.C.Deepak Kumar, learned counsel appearing for the caveator.

2. Considering the very narrow scope of the Revision, the Revision itself is disposed of in the admission stage, with the consent of the counsel.

3. The Revision is against the order of the Appellate Authority in I.A.No.2 of 2021 in RCA.No.44 of 2019, dismissing the application for stay of execution of order of eviction pending appeal. The learned Appellate Authority found that the petitioner is not entitled to the discretionary relief of stay



since there is a huge arrears of rent of Rs.8,50,000/-.

4. Mr.P.Saravana Sowmiyan, would submit that the petitioners have entered into an agreement of sale and paid a huge amount as advance. The suit for specific performance has also been instituted. Therefore, the very character of possession is under dispute.

5. Mr.C.Deepak Kumar, learned counsel appearing for the caveator would submit that the suit for specific performance has been dismissed for default and the set aside petition is alone pending. He would also point out that the agreement subject matter of the suit for specific performance was referred to forensic expert and the forensic expert has opined that the signature of the respondent found in the agreement is forged.

6. Mr.P.Saravana Sowmiyan, would submit that he has instructions to challenge that forensic opinion.

7. Be that as it may, a tenant who seeks to protect his possession by order of stay has to pay the arrears of rent. He cannot continue in possession without paying the arrears of rent. Hence, there will be an order of stay of execution, pending RCA.No.44 of 2019, on condition the petitioners pay the entire arrears of rent of Rs.8,50,000/- on or before 07.01.2022, failing which, the stay granted will stand automatically vacated and the Executing Court will be at liberty to proceed with the execution. Subsequent rent should also be paid on or before the 15th of the succeeding month.

8. This Civil Revision Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

dsa

To

1. The Principal Subordinate Judge, Coimbatore.

2. The Principal District Munsif, Coimbatore.

C.R.P. (NPD) .No.2839 of 2021

SSI (CO)

RGA(28/12/2021)