



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

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

C.R.P. (PD) .NO.3573 OF 2019

AND

C.M.P.NOS.1080 & 23413 OF 2019

C.Babu

.. Petitioner

Versus

1.J.Bhanumathy
2.Jayashreebhaskar

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and docket order dated 16.09.2019 made in MP.No.44 of 2019 in RCOP. No.921 of 2018 on the file of the learned Judge No.XV, Small Causes, Chennai.

For Petitioner : Mr.S.Viswanathan

For Respondents : Mr.K.Harikrishnan

ORDER

The petitioner herein is the tenant in RCOP.No.921 of 2018, filed by the respondent for eviction on the ground of willful default. In that RCOP.No.921 of 2018, the landlord filed an application in M.P.No.44 of 2019 under Section 11(4) for recovery of rent arrears. The said application was contested by the tenant and the same was also allowed by the learned XV Judge, Small Causes, Chennai. Aggrieved by the said order, the tenant has preferred this revision petition.

2. Heard Mr.S.Viswanathan, learned counsel for the petitioner and Mr. K.Harikrishnan, learned counsel appearing on behalf of the respondent.



3. The learned counsel for the revision petitioner / tenant submitted that, based upon a wrong calculation, M.P.No.44 of 2019 was allowed on 16.09.2019. The learned trial Judge failed to note the disputed arrears of rent. Without considering the disputed arrears of rent, the petition was allowed. Hence he challenged the said order.

4. By way of reply, the learned counsel for the landlord / respondent submitted that there was a typographical error in the decree / Judgment of the Trial Court and the same was rectified. Further he also submitted that, after deduction of the advance amount, the tenant was directed to pay the arrears of rent, which comes to nearly Rs.6,56,000/-. Since the tenant failed to pay the arrears of rent, M.P.No.44 of 2019 was allowed by the learned XV Assistant Judge, Small Causes Court, Chennai.

5. The learned counsel for the revision petitioner / tenant also admits that at the time of admission the learned trial Judge, directed the revision petitioner / tenant to pay the rental arrears from July 2017 to August 2019, which comes to 26 months, however it has been wrongly mentioned as 38 months.

6. On 05.11.2019, based upon that, interim stay was granted. But as on date, the revision petitioner, neither complied with the said order nor paid the arrears of rent, either by deposit before this Court or to the RCOP Account.

7. On considering the conduct of the tenant, this Court finds that he is abusing the process of the Court by filing this application. I do not find any merit in this application and the order passed by the learned XV, Assistant Judge, Small Causes Court, Chennai in M.P.No.44 of 2019 in RCOP. No.921 of 2018 is confirmed. The tenant is directed to vacate the premises within a period of three months from the date of receipt of a copy of this order.

8. Accordingly, this Civil Revision Petition is dismissed. Consequently connected Miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge No.XV,
Small Causes Court,
Chennai.

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

C.R.P. (PD) .No.3573 of 2019
and
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AD (CO)
RLP (12/01/2022)