



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.512 of 2021

and

CMP (MD) .No.2746 of 2021

Venkatachala Udaiyar

.. Petitioner/Respondent/Respondent
(Tenant)

Vs.

Arulmigu Meenakshi Sundhareswarar Thirukovil

Represented by its

Hereditary Trustee R.Sulaikini .. Respondent/Petitioner/Petitioner
(Landlord)

PRAYER:- This Civil Revision Petition has been filed under Section 115 CPC R/w. Section 6 B of the Tamil Nadu Cultivating Tenants Protection Act, 1955, to set aside the order dated 20.01.2020 made in E.P.No.191 of 2019 in P.T.No.100 of 2019 on the file of the Revenue Court, Thanjavur at Kumbakonam, Thanjavur District.

For petitioner : Mr.G.Gomathi Sankar

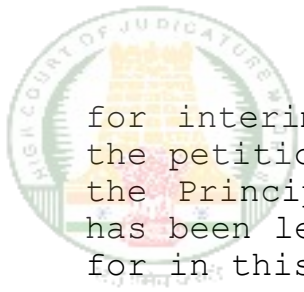
For Respondent : Mr.Antony Arul Raj

ORDER

This Civil Revision Petition has been filed to set aside the order dated 20.01.2020 made in E.P.No.191 of 2019 in P.T.No.100 of 2019 on the file of the Revenue Court, Thanjavur at Kumbakonam.

2. Heard the learned counsel for the petitioner as well as the respondent.

3. It is stated that the respondent/landlord filed a petition in PT.No.100 of 2019 before the Revenue Court, Kumbakonam against the petitioner/tenant for eviction on the ground of wilful default where the petitioner was called absent and set exparte and exparte order was passed on 05.07.2019, against which, the petitioner filed a revision before the District Court, Thanjavur with condone delay petition in I.A.No.19 of 2020. In the meanwhile, the respondent/landlord filed an execution petition in E.P.No.191 of 2019 before the Revenue Court, Thanjavur at Kumbakonam, after hearing the case, the said E.P was ordered by the learned Deputy Revenue Inspector. As per order of delivery, the Revenue officials and other persons have measured the property and handed over the possession to the respondent herein on 11.03.2020. In this circumstance, the petitioner filed O.S.No.96 of 2020 before the Principal District Munsif, Kumbakonam for the relief of injunction restraining the respondent from evicting him from the suit property. In the said suit, the petitioner has also filed I.A.No.108 of 2020



for interim injunction and the same was dismissed, against which, the petitioner preferred C.M.A.No.2 of 2020 and it is pending before the Principal Sub Court, Kumbakonam. Admittedly, now the property has been leased out to third party and therefore, the prayer sought for in this revision has become infructuous.

4. Accordingly, this Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Msa

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal District Judge
Thanjavur

2.The Principal Sub Judge,
Kumbakonam

3. The Principal District Munsif,
Kumbakonam

4.The Revenue Inspector, Thanjavur at Kumbakonam,
Thanjavur District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-12755[F] dated 22/03/2021)

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-13032[F] dated 23/03/2021)

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CN(03.05.2021) 2P 7C

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