



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	06.10.2021
DELIVERED ON	15.11.2021

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P (MD)No.656 of 2021

and

C.M.P. (MD)No.3560 of 2021

S.Senthilkumar

...Petitioner/Respondent/Tenant
Vs.

P.A.S.B.Singaravel (Died)

1.Geethamani

2.S.Poorkodi

3.K.Lavanya

4.S.Pavalakumar

...Respondents/Petitioners/
Landlords

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the docket order, dated 15.03.2021 passed in E.P.No.253 of 2019 in R.C.O.P.No.186 of 2016 on the file of the Additional District Munsif Court, Madurai.

For Petitioner	:	Mr.R.Senthil Kumar
For R-1, R-2 & R-4	:	M/s.P.Jessi Jeeva Priya
For R-3	:	No appearance

O R D E R

The Civil Revision Petition has been filed to set aside the docket order, dated 15.03.2021 in E.P.No.253 of 2019 in R.C.O.P.No.186 of 2016 passed by the learned Additional District Munsif, Madurai.

2.The deceased landlord P.A.S.B.Singaravel has filed a petition under Section 14(i)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, in R.C.O.P.No.186 of 2016 on the file of the Additional District Munsif Court, Madurai, against the revision petitioner herein/tenant, for eviction on the ground of demolition and reconstruction and the same was allowed in favour of the landlord. Thereafter, the legal heirs of the landlord have filed a execution petition in E.P.No.253 of 2019 in R.C.O.P.No.189 of 2016. The revision petitioner/tenant has filed an application in E.A.No.46 of 2021 and the same was dismissed and delivery was ordered in the said E.P.

3.In the meantime, the revision petitioner/tenant has preferred an appeal in unnumbered R.C.A. against the order, dated 15.07.2019 in R.C.O.P.No.189 of 2016 on the file of the Subordinate Court, Madurai and the same is pending.



4. Heard Mr.R.Senthil Kumar, learned counsel appearing for the petitioner and M/s.P.Jessi Jeeva Priya, learned counsel appearing for R-1, R-2 & R-4. Perused the material documents available on record.

5. The learned counsel appearing for the revision petitioner submitted that the executing Court has not been provide opportunity to put forth the arguments on the side of the petitioner/tenant and allowed Execution Petition by passing an exparte order without considering the fact that the appeal is pending before the learned Subordinate Judge, Madurai(Rent Controller Appellate Authority). He further submitted that the respondents/landlord trying to alienate the property and hence the petitioner/tenant needed protection from this Court considering the fact that the petitioner/tenant that the entire family members livelihood depends upon the income derived from the said shop.

6. The landlord has filed a petition in R.C.O.P.No.189 of 2016 for eviction on the ground of demolition and reconstruction and the same was allowed on 15.07.2019 and one month time was granted to the tenant to vacate the building. E.P.No.253 of 2019 was filed by the landlord for delivery of possession and delivery was ordered on 15.03.2021.

7.The revision petitioner herein/tenant has stated that he has preferred an appeal in R.C.A before the Subordinate Court, Madurai on 07.09.2019 and the same was returned on 14.10.2019 and represented with 22 days delay and the same is still pending.

8.The RCA is not yet numbered even after two years. It is not a ground for setting aside the order in E.P. Already one month time was granted in the order passed in R.C.O.P.No.189 of 2016. But, the tenant has preferred an appeal in R.C.A., after lapse of six months from the date of order passed in R.C.O.P.

9.The R.C.A, is not yet numbered. The respondents herein/landlord have proved the condition of the building and eviction was ordered on that ground.

10.When there is a valid decree the respondents/landlords have right to file E.P petition for possession. Even in E.A.No.46 of 2021 the revision petitioner/tenant has not ready to proceed the case further. The Court cannot decline the respondents/landlords from enjoying the fruits of the decree.

11.Since delivery was ordered there is no valid reason to set aside the order passed by the Court below.

12.Finally, this Civil Revision Petition stands dismissed by confirming the docket order, dated 15.03.2021 in E.P.No.253 of 2019 in E.P.No.189 of 2016 passed by the learned Additional District



Munsif, Madurai. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :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 Additional District Munsif Court,
Madurai.
- 2.The Subordinate Court,
Madurai.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.R. SENTHILKUMAR, Advocate (SR-34502[F]
dated 15/11/2021)

+1 CC to M/s.P. JESSI JEEVA PRIYA, Advocate (SR-34655[F]
dated 16/11/2021)

Order made in
C.R.P (MD) No.656 of 2021
15.11.2021

NA (CO)
GC/PM(25.11.2021) 3P 7C