



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.615 of 2021

WEB COPY

Hotel Chithra Private Limited
Represented by its
Managing Director
T.Parivallal

... Petitioner/Petitioner/Petitioner

-Vs-

1.Sri Hotel Rajageetham
A partnership firm by its partners

2.P.Pichaiah
3.P.Vekatesa Perumal
4.P.Sellathurai
5.S.Sivaraja
6.P.Ramesh
7.S.Ravisankar
8.P.Anand

...Respondents/Respondents/Respondents

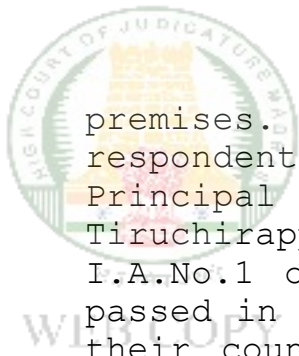
Prayer: This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to dispose the E.P.No.108 of 2019 in R.CO.P.No.35 of 2008 on the file of the I Additional District Munsif Court, Tiruchirappalli within the time frame stipulated by this Court.

For Petitioner : Mr.N.Anandakumar

O R D E R

This Civil Revision Petition has been filed to issue a direction to the learned I Additional District Munsif Court, Tiruchirappalli to dispose of the Execution Petition in E.P.No.108 of 2019 in R.C.O.P.No.35 of 2008 within the time as stipulated by this Court.

2.The learned counsel for the petitioners would submit that the petitioner company filed R.C.O.P.No.35 of 2008 before the I Additional District Munsif (Rent Controller), Tiruchirappalli against the respondents for eviction on the ground of additional accommodation under Section 10(3)(C) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 and after hearing the case, the learned District Munsif has allowed the eviction application and granted two months time to the respondents to vacate the



premises. Aggrieved over the order passed in the above RCOP, the respondents preferred an appeal in R.C.A.No.14 of 2019 before the Principal Subordinate Judge (Rent Control Appellate Authority), Tiruchirappalli. Along with the appeal, the respondents filed I.A.No.1 of 2019 seeking for stay of the execution of the order passed in R.C.O.P.No.35 of 2008 where the petitioner company filed their counter. In the said I.A, the Appellate Authority has not granted any interim stay, therefore, the said application is pending along with the appeal. Be that as it may, the petitioner company initiated execution proceedings in E.P.No.108 of 2019, in which, the respondents filed their counter. The petitioner company filed I.A.No.2 of 2019 seeking for a direction against the respondents to deposit the arrears of Rs.27,82,992/- along with Rs.4,43,613/- as GST dues where the respondents filed their counter. The grievance of the petitioners is that the respondents were one way or other dragging the proceedings from 2008 and now almost 13 years has lapsed, till date, the petitioners are not able to get possession of the property, especially the respondents are in huge arrears of rent. The learned counsel further submitted that as on date, the respondents are in rental arrears of Rs.43,26,172/-. E.P.No.108 of 2019 was filed on 05.09.2019 and the matter was periodically adjourned from 26.03.2020 to 24.03.2021. Hence, the petitioners would pray for early disposal of the E.P.No.108 of 2019.

3. Since this Civil Revision Petition is filed for early disposal of the E.P, as no adverse order is going to be passed, notice to the respondents is dispensed with.

4. Considering the facts and circumstances of the case and also considering the fact that E.P. is pending from 2019 onwards, this Court feels that ends of justice would be met by directing the Court below to dispose the E.P within a time frame. Without advertting to the merits of the case, a direction is issued to the learned I Additional District Munsif Court, Tiruchirappalli to dispose E.P.No.108 of 2019 on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
The I Additional District Munsif,
Tiruchirappalli.

Copy to
The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-15267[F] dated
01/04/2021)

C.R.P. (MD) No.615 of 2021

31.03.2021

ma (CO)
TR(27.04.2021) 3P 4C