



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P (MD) No.2002 of 2021

and

C.M.P (MD) No.10772 of 2021

WEB COPY

Muthuramalingam

... Petitioner

Vs.

Vaikunta Narayanan

... Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to struck off the E.P.No.6 of 2021 in R.C.O.P.No.11 of 2014 on the file of the Rent Controller cum District Munsif, Pattukottai.

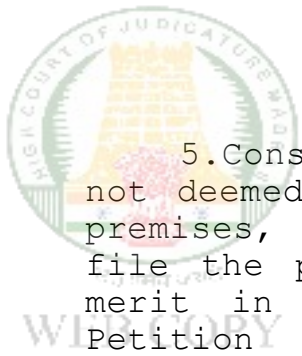
For Petitioner : Mr.S.Ramasundaravijayraj

ORDER

The above application is filed to strike off E.P.No.6 of 2021 pending on the file of the Rent Controller cum District Munsif, Pattukkottai, on the ground that the execution petition is premature as he has time to vacate the premises till 16.02.2022 as the original order passed by the Rent Controller had granted him two months time to vacate the premises and the Appellate Authority had confirmed the order once again granting him two months time to vacate the premises which was extended to three months by this Court in C.R.P (MD) Nos.1900 and 1902 of 2019.

3.It is the petitioner case that thereafter he had challenged the order passed in C.R.P (MD) Nos.1900 and 1902 of 2019 by filing SLP Nos.16789 and 16790 of 2021 and by order dated 16.11.2021, the SLPs were dismissed. He would therefore submit that from 16.11.2021 he had three months time to vacate the premises and without waiting for the said period, the execution proceeding has been filed and therefore, the same has to be struck off.

4.The said argument is absolutely fallacious. The Honourable Supreme Court while dismissing the SLPs have simply dismissed the SLPs and has not granted time to the petitioner herein for vacating the premises. The order in C.R.P (MD) Nos.1900 and 1902 of 2019 had been passed as early as on 25.02.2020 and the three months period was given from the date of the receipt of the copy of the order and the time has been expired.



5.Considering the fact that the Honourable Supreme Court has not deemed it fit to grant time to the petitioner to vacate the premises, the landlord/decreed holder is well within his right to file the petition for executing the order. Hence, there is no merit in the revision and accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

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:-

The Rent Controller cum District Munsif,
Pattukottai.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-38738[F] dated 15/12/2021)

C.R.P (MD)No.2002 of 2021

and

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