



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (PD) (MD) No.2080 of 2021
and
C.M.P. (MD) No.11070 of 2021

N.Jeyaraman

.. Petitioner/Petitioner/
Appellant

-vs-

K.Sornam

.. Respondent/Respondent/
Respondent

Prayer :- Petition filed under Article 227 of the Constitution of India to direct the Principal Subordinate Judge cum Rent Control Appellate Authority, Madurai, to dispose of the stay petition in I.A.No.51 of 2021 in R.C.A.No.18 of 2021 within a time frame that may be stipulated by this Court and consequentially, to stay all further proceedings in the execution petition in E.P.No.10 of 2021 in R.C.O.P.No.14 of 2010 on the file of the District Munsif Court, Madurai Taluk till the disposal of I.A.No.51 of 2021 on merits.

For Petitioner

: Mr.J.Barathan for
Mr.T.R.Jeyapalam

ORDER

This Civil Revision Petition is filed seeking expeditious disposal of the interlocutory application for stay, filed by the petitioner herein in I.A.No.51 of 2021 in R.C.A.No.18 of 2021 on the file of the learned Principal Subordinate Judge cum Rent Control Appellate Authority, Madurai.

2.Learned counsel appearing for the petitioner would submit that despite the application for stay having been filed as early as on 17.03.2021 and the petitioner bringing to the notice of the Principal Subordinate Court, Madurai, that the respondent herein has filed execution proceedings after receiving notice in the Rent Control Appeal and is pressing for orders in the said execution proceedings, the matter is being adjourned without passing any



orders in the Interlocutory Application. Therefore, the petitioner would seek to have an order directing the learned Rent Control Appellate Authority to expeditiously dispose of the Interlocutory Application. Along with this revision, a petition for stay has also been filed stating that till such time as the Appellate Authority disposes of the Interlocutory Application in I.A.No.51 of 2021, there must be a stay of all further proceedings in execution.

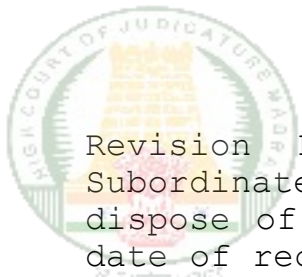
3.Learned counsel for the petitioner would rest his case on the ground that the very Landlord Tenant relationship has been denied by the petitioner, since according to the petitioner, he was originally inducted into possession of the property in lieu of the interest payable by the respondent for the loan that she has borrowed both for purchasing the vacant site from the Housing Board and for putting up construction thereon.

4.Learned counsel would further submit that even after the filing of the Rent Control proceedings, the respondent had sought a further loan, which was also given and to safeguard the interest of the petitioner, since the respondent had clearly stated that she is unable to repay the huge loan, an agreement of sale had been executed. Therefore, it is the contention of the petitioner that he was inducted as a mortgagee and thereafter, his possession was also as an agreement holder.

5.Learned counsel for the petitioner would submit that the petitioner had filed a suit for specific performance in O.S.No.701 of 2012 on the file of the Principal Subordinate Court, Madurai. The said suit was dismissed against which, first appeal in A.S.No.2 of 2021 has been filed on the file of the VI Additional District Court, Madurai. The Appellate Court, allowed the appeal and remitted the matter back for fresh consideration. One of the reliefs claimed in the above suit is to declare that there is no Landlord Tenant relationship between the parties.

6.Learned counsel for the petitioner would further submit that if at this juncture, the petitioner is evicted in execution on account of an order passed by the learned Rent Controller, he would suffer immense hardship and loss, since he has been put in possession only on account of the fact that the respondent herein was unable to repay the amounts borrowed by her. He would state that the Appellate Authority has not granted a stay and if the stay is not granted, the appeal itself would ultimately become infructuous. Therefore, he would seek to have an order of stay granted till such time as the learned Rent Control Appellate Authority passes orders in I.A.No.51 of 2021.

7.Records produced confirm the submissions made by the learned counsel for the petitioner. Therefore, while allowing this Civil



Revision Petition with a direction to the learned Principal Subordinate Judge cum Rent Control Appellate Authority, Madurai, to dispose of I.A.No.51 of 2021 within a period of one month from the date of receipt of a copy of this order, this Court grants a stay of all further proceedings in E.P.No.10 of 2021 in R.C.O.P.No.14 of 2010 on the file of the learned District Munsif, Madurai, till orders are pronounced in I.A.No.51 of 2021.

8.In the result, this Civil Revision Petition is allowed, directing the learned Principal Subordinate Judge cum Rent Control Appellate Authority, Madurai, to dispose of I.A.No.51 of 2021 within a period of one month from the date of receipt of a copy of this order. There shall be an order of stay of all further proceedings in E.P.No.10 of 2021 in R.C.O.P.No.14 of 2010 on the file of the learned District Munsif, Madurai, till orders are pronounced in I.A.No.51 of 2021. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

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 Principal Subordinate Judge
(Rent Control Appellate Authority), Madurai.

2.The District Munsif, Madurai.

+2 CC to M/s.T.R.JEYAPALAM, Advocate (SR-40099[F] dated 23/12/2021)

C.R.P. (PD) (MD) No.2080 of 2021

Dated: 22.12.2021

MGJ(20.01.2022) 3P 5C

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