



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

C.R.P. No. 194 of 2022

Ms. Navnita Dev

...Petitioner

Vs.

Meenakshi Holiday Resort,
A partnership firm rep. by its
Managing Partner
Mr.A. Senthilkumar,
Having Registered Office at
No.2, S.K. Apartment, No.7/778,
Munuswamy Salai, K.K. Nagar,
Chennai - 600 078.

... Respondent

Prayer: Civil Revision Petition under Article 227 of the Constitution of India to set aside the order dated 01.12.2021 made in I.A. No. 1 of 2021 in O.S. No. 283 of 2020 on the file of Principal District Judge, Chengalpattu.

For Petitioner :: Mr.V. Raghavachari
For Respondent :: Mr.S. Arivazhagan

O R D E R

This revision is preferred against the order of the learned Principal District Judge, Chengalpattu, dated 01.12.2021 passed in I.A. No. 1 of 2021 in O.S. No. 283 of 2020.

2. The suit is laid for eviction of the tenant in a composite lease. I.A. No.1 of 2021 was filed by the plaintiff for a direction to deposit the arrears of rent. The learned Principal District Judge, by the impugned order, stating that the I.A. is not maintainable, has posted it along with the suit. Aggrieved by the same, the present revision is filed.

3. The learned counsel for the revision petitioner submitted that the petition is filed under Section 151 CPC. It is a residuary power available with every Civil Court to do substantial justice in the matter and it may not be proper on the part of the learned Principal District Judge to call the I.A. along with the suit. He also added that even if there is any dispute as to the right of the plaintiff to withdraw the same, at least it is important that the money is deposited in



the Court first.

4. Heard the learned counsel for the respondent/defendant. Learned counsel for the respondent has submitted essentially on the merit of the application, but that, for the present, is beyond the scope of the present enquiry since, even the learned Principal District Judge has not applied her mind to the merit of the case.

5. Therefore, in the facts and circumstances of the case, this Court sets aside the order of the learned Principal District Judge, Chengalpattu and remands I.A. No. 1 of 2021 back to the Trial Court. The learned Principal District Judge, after giving due and effective hearing to both sides, shall dispose of the matter on merits, with a speaking order, preferably, on or before 30.04.2022. The Civil Revision Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nv

To

The Principal District Judge,
Chengalpattu.

+1cc to Mr.V. Raghavachari, Advocate, S.R.No.15345

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VSN -II(CO)
CT 08/03/2022