



C.R.P.No.888 of 2020
and C.M.P.No.4715 of 2020

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

C.R.P.No.888 of 2020

and C.M.P.No.4715 of 2020

Surya

...Petitioner

Vs.

K.Senthil Kumar

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal orders dated 11.02.2020 passed in M.P.No.402 of 2018 in RCOP. No.278 of 2018 on the file of the XIV Small Causes Court, Chennai.

For Petitioner : Mr.M.P.Saravanan

For Respondent : No appearance

ORDER

The present Civil Revision Petition is filed challenging the orders passed in M.P.No.402 of 2018 on the file of the XIV Judge, Small Causes Court, Chennai, under Section 11(3) & 11(4) of Tamilnadu



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WEB COPY Buildings Lease and Rent Control Act.

2.The respondent/landlord filed RCOP No.278 of 2018 before the XIV Small Causes Court, Chennai, seeking to evict the petitioner/tenant under Section 10(2)(i) of the Act from the petition mentioned property. During the pendency of the petition the landlord filed a petition in M.P.No.402 of 2018 under Sections 11 (3) & 11 (4) of the Act to stop all further proceedings in the RCOP as the tenant failed to pay the rents. The said petition was allowed by the learned XIV Judge, Small Causes Court, Chennai, vide his orders dated 11.02.2022 directing the tenant to pay the arrears of rent amounting to Rs.2,49,000/- on or before 06.03.2020 failing which further proceedings in RCOP would be stopped and consequential orders of eviction would also be passed.

3.Aggrieved over the same, the present Civil Revision Petition is filed by the revision petitioner / tenant.



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4. On 23.08.2022, this Court passed the following orders :

"During the morning mentioning hours, the Learned Counsel for the Petitioner sought an adjournment. It was refused as the Respondent's Counsel was not present in Court.

2. When the case came up for hearing, the Learned Counsel for the Respondent submitted that the conditional order passed in the CMP.No.4715 of 2020 while granting interim stay had not been complied with till date.

3. From the perusal of the records, it is found that on 27.02.2020 when the Civil Revision Petition came to be admitted, the then Learned Single Judge had issued notice to the Respondent returnable by 31.03.2020 and on the same day, interim stay also was granted with a condition that the Petitioner has to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in MP.No.402 of 2018 in RCOP.No.278 of 2018



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WEB COPY *on the file of the Learned XIV Small Causes Court, Chennai, failing which, the interim stay granted would stand vacated automatically.*

4. It is the submission of the Learned Counsel for the Respondent that the Petitioner had filed a Memo before the Court of the Learned XIV Judge Small Causes Court, Chennai, seeking time on the ground that he had not received a copy of the order passed in CMP.No.4715 of 2020 to enable him to deposit the amount.

5. The above ground cannot at all be accepted. Since he is the Petitioner before this Court, who is aware of the order instead of seeking time, he should have filed a Memo and deposited the amount before the trial Court. This delaying tactics cannot be accepted. The stay already granted by this Court stands vacated.

6. Further, the Learned Counsel for the Respondent submitted that there is arrears of rent to be paid. If the arrears of amount is not paid on or before 21.09.2022 before the XIV



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WEB COPY *Small Causes Court, Chennai, the Civil Revision Petition itself*

will be dismissed.

7. Post this matter on 21.09.2022."

5.The learned counsel appearing for the revision petitioner conceded that till date arrears of rent has not been paid by the tenant. Accordingly, the Civil Revision Petition is dismissed. The trial Court is directed to proceed further in RCOP.No.278 of 2018 in accordance with law. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

10.10.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.
mtl

To

- 1.The XIV Court, Small Causes Court, Chennai,
- 2.The Section Officer, VR Section, High Court, Madras.

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