



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Twenty Third day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N.SESHASAYEE

CMP No.4762 of 2022

IN CRP.720 of 2022

N.C.KANDASAMY

[PETITIONER]

Vs

R.USHA RAVINDRAN

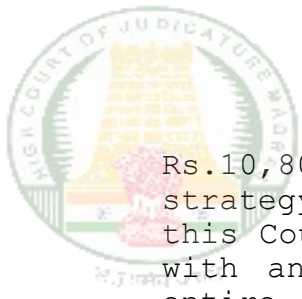
[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to clarify the order dated 07.03.2022 (in CMP.No.4762/2022) in CRP.No.720/2022.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.A.PALANIAPPAN, Advocate for the petitioner and of MR.P.V.BALASUBRAMANIAM Advocate for BFS Legal on behalf of the Respondents the court made the following order:-

When the matter came up before this Court, this Court allowed the Revision and granted a limited stay to the Revision Petitioner without any notice to the respondent.

2.The respondent since appeared before this Court, Mr.A.Palaniappan, brought to the notice of this Court certain discrepancies in narrating the facts which according to him might have occasioned due to certain wrong narration of facts by the learned counsel for the revision petitioner. The critical date in this case is 03.03.2022, on which date this Court was appeared to have been informed that the Execution Court had ordered delivery, whereas the said order was passed by the Execution Court few weeks before that date. Indeed the Execution Court was informed about the pendency of R.C.A.No.206 of 2021, and it was appeared to have informed about the date on which the said R.C.A would be coming before the Rent Control Appellate Authority, and hence it has directed the landlord / decree holder to pay the process fee for delivery after 03.03.2022. Learned counsel added this apart, the revision petitioner / tenant is liable to pay an arrears of about



Rs.10,80,000/- and that he had appeared to have made a smart strategy of avoiding the Appellate Tribunal, and had approached this Court since if only he were to approach the Appellate Tribunal with an application for stay then he might have to pay the entire arrears of rent. He has also circulated copies of online status of case both before the Execution Court as well as the Rent Control Appellate Authority.

3.Learned counsel for the revision petitioner / tenant submitted on instructions that there is some dispute about the construction made and therefore the tenant disputes the arrears of rent as stated by the learned counsel for the landlord.

4.This Court does not intend to go into the question now raised by the learned counsel for the revision petitioner. After all, the matter is now pending before the Appellate Tribunal and the case itself would be coming up before it on 25.03.2022.

5.The Rent Control Appellate Tribunal is now required to apply its mind to the stay application, and pass appropriate orders after hearing both sides and within the frame work of law.

-sd/-

23/03/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE XII JUDGE,
SMALL CAUSES COURT,
CHENNAI.

Order

in

CMP.4762/2022

in

CRP.720/2022

Date :23/03/2022

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SDR 23.03.2022 (IT)