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C.R.P.(PD).No.1755 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P.(PD).No.1755 of 2022

and

C.M.P.No.8848 of 2022

A.Kabali

... Petitioner

Vs.

P.Tamilarasi

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair order and decreetal order dated 08.02.2022 passed in M.P.No.8 of 2019 in R.C.O.P.No.106 of 2016 on the file of the Principal District Munsif Court, Alandur.

For Petitioner : Mr.R.Gunasekaran

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Principal District Munsif, Alandur dated 08.02.2022 made in M.P.No.8 of 2019 in R.C.O.P.No.106 of 2016.



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2. The revision petitioner is the tenant and he has filed a suit in O.S.No.791 of 2015 against the respondent landlady for permanent injunction from disturbing his possession and enjoyment over the suit property except under due process of law. The respondent landlady has also filed an eviction petition in R.C.O.P.No.106 of 2016 for eviction. During pendency of both the proceedings, the impugned memo in M.P.No.8 of 2019 was filed seeking the accommodation of the Court to post both the matters in one and the same day. The said memo was rejected. Aggrieved over that the revision petitioner has preferred this revision.

3. The learned counsel for the petitioner submitted that it would be convenient for the parties to make their appearance if both cases are posted in one and the same day.

4. Before getting into the merits of the request, it is to be noted that the limited prayer of the petitioner made in O.S.No.791 of 2015 is that his possession should not be disturbed by the landlady except under due process of law. Admittedly the landlady has filed R.C.O.P.No.106 of 2016 to evict him from the demised premises. The very act of the landlady in seeking



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eviction by filing R.C.O.P. would show that she has resorted to due process of law and hence the suit filed in O.S.No.791 of 2015 itself would become infructuous. Under such circumstances, there would not be any necessity for both the matters to be posted in one and the same day for hearing.

5. Hence, I do not find any ground to entertain this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

15.06.2022

Index: Yes/No

Speaking / Non Speaking Order

dsa

To

The Principal District Munsif, Alandur.



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R.N.MANJULA, J

dsa

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