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C.R.P.(PD).No.1638 of 2022 and
C.M.P.No.8169 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM:

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

C.R.P.(PD).No.1638 of 2022 and
C.M.P.No.8169 of 2022

L.Baskar

...

Petitioner

Vs.

1.M.Murugan

2.Vijaya

... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the lower court and set aside the order and decreetal order dated 28.03.2022, passed by the Principal District Munsif Court, Alandur in E.A.No.6 of 2021 in E.P.No.39 of 2020 in RCOP No.4 of 2017.

For Petitioner : Mr.M.J.Sundar

ORDER

This civil revision petition has been preferred to set aside the order and decreetal order dated 28.03.2022, passed by the Principal District Munsif Court, Alandur in E.A.No.6 of 2021 in E.P.No.39 of 2020 in RCOP No.4 of



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2. Heard the learned counsel for the petitioner.

3. The petitioner was a tenant in RCOP proceedings and an order of eviction was passed on 19.12.2019, against him. The petitioner seems to have preferred an appeal in R.C.A.No.57 of 2021, before the Sub Court, Alandur. However, the execution proceedings have already been initiated in E.P.No.39 of 2020 and in which, the petitioner remained ex-parte. Thereafter, he filed a petition to set aside the ex-parte order and the same was dismissed on 28.03.2022. Aggrieved over the same, the petitioner has preferred this civil revision petition.

4. The learned counsel for the revision petitioner submitted that the delay on the part of the petitioner to file a petition to set aside the ex-parte order is not wanton and the Trial Court has omitted to consider to give an opportunity to the petitioner.

5. On perusal of the order, it is seen that the order under Section 11 (4)



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of Rent Control Act was passed to pay the arrears of rent and the petitioner had omitted to comply the said order. Without complying the order, the petitioner cannot seek any remedy even before the appellate forum. The learned Trial Judge has rightly appreciated the merits of the petition and dismissed the same. The conduct of the petitioner as it appears from the records would show that he is adopting dilatory tactics, without paying the rent and that cannot be encouraged.

6. Therefore, I find no illegality or infirmity in the order passed by the Executing Judge. Hence, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.06.2022

Index: Yes/No
Speaking / Non Speaking Order
gsk

To
The Principal District Munsif Court,
Alandur.



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R.N.MANJULA, J

gsk

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