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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.(NPD)No.2349 of 2022

1.Mumtaj Begum
2.Sheik Dawood
3.Haja Maideen
4.Vahitha Begum

...Petitioners

Versus

Balamurugan

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to strike off E.A.No.24 of 2019 in E.P.No.48 of 2017, in RCOP.No.17 of 2012, before the Rent Controller, District Munsif's Court, Mannargudi and direct the respondent to hand over possession of the property to the petitioners.

For Petitioners :Ms.Hema Sampath

Senior Advocate

For Respondent :No Appearance

O R D E R

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The Civil Revision Petition is filed seeking to strike off E.A.No.24 of 2019 filed by the respondent under Section 47 of CPC.

2. The petitioner herein filed the Rent Eviction Petition against the respondent in RCOP.No.17 of 2012, on the file of the Rent Controller, District Munsif Court, Mannargudi and eviction order was passed on 17.04.2015 against the respondent as he failed to deposit the arrears of rent as directed in Section 11(4) application. Subsequently, the appeal filed by the respondent with a delay came to be dismissed on 17.10.2011. Thereafter, the eviction order is put into execution by the petitioner in E.P.No.48 of 2017. It is also stated that the executing Court ordered delivery on 21.03.2019.

3. After delivery was ordered by the Execution Court, the respondent/tenant filed an application in E.A.No.24 of 2019 under Section 47 of CPC, on the ground that the petitioners herein claiming themselves as legal representatives of the deceased/landlord had filed this execution petition and the same is not maintainable. The petition filed by the



respondent/tenant under Section 47 of CPC has been kept pending by the
Executing Court.

4. In view of the fact, the delivery in the main Execution Petition was ordered as early as on 21.03.2019, there is no justification for keeping the Section 47 application pending for more than three years. It is also stated that the respondent/tenant has not paid any rent from 2010.

5. In view of the facts narrated above, this Court issues a direction to execution Court to dispose of Section 47 Application namely E.A.No.24 of 2019 within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is disposed of. No costs.

01.11.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
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Note: Issue order copy on 03.11.2022.



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4

C.R.P.(PD)No.2349 of 2022

S.SOUNTHAR, J.

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To

The Rent Controller, District Munsif's Court,
Mannargudi.

C.R.P.(NPD)No.2349 of 2022

01.11.2022

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