



C.R.P.(PD)No.2618 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P(PD).No.2618 of 2022

and

C.M.P.No.13493 of 2022

G.Subramaniyan

... Petitioner

Vs

P.Ponnaiyan

... Respondent

Prayer:- Petition is filed under Article 227 of the Constitution of India to set aside the interim order dated 27.07.2022 made in I.A.No.2 of 2022 in R.L.T.A.No.31 of 2022 on the file of the XVIII Additional City Civil Court, Chennai.

For Petitioner : Mr.R.Subramaniyan

ORDER

This Civil Revision Petition has been preferred challenging interim order dated 27.07.2022 passed in I.A.No.2 of 2022 in R.L.T.A.No.31 of 2022 by the learned XVIII Additional Judge, City Civil Court, Chennai.

2. Heard the learned counsel for the petitioner and perused the materials available on record.



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3. The revision petitioner is the landlord, who was filed an eviction proceedings in R.L.T.O.P.No.590 of 2022 against the respondent/tenant and got an order of eviction on 03.01.2022. The same was challenged by the respondent/tenant by way of preferring an appeal in R.L.T.A.No.31 of 2022. Pending the appeal, the respondent has filed an interlocutory application in I.A.No.2 of 2022 to stay the eviction order passed by the Rent Controller and the same was allowed. Aggrieved over the same, the petitioner has preferred the present revision petition.

4. Mr.R.Subramaniyan, learned counsel for the revision petitioner/landlord submitted that the appeal filed by the respondent/tenant does not have any valid grounds. The reasons stated by the learned Rent Control Appellate Judge to stay the order of eviction is not sound. The interlocutory application has been filed just to delay the proceedings and hence, the stay order should be vacated.

5. It seems that the appeal was filed by the respondent/tenant by invoking his right of challenging the order passed in R.L.T.O.P.No.590 of 2021. It is reliably learnt that the revision petitioner has initiated execution proceedings and



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the same is pending. Under such circumstances, if the order of the learned Rent Controller was not stayed, the execution proceedings will be initiated and the appeal itself will become infructuous, in case the delivery is effected. So, in the interest of justice, the learned trial Judge has granted an order of stay. If the revision petitioner feels that there are no valid grounds and the intention of the respondent is just to delay the proceedings, it is up to him to make proper representation before the appellate Court and seek for earlier disposal of the appeal itself,

6. With these observations, this Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

18.08.2022

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

To
The XVIII Additional City Civil Court,
Chennai.

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R.N.MANJULA, J.

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