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C.R.P. No.3344 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.3344 of 2019

and

C.M.P.No. 21740 of 2019

M/s.M.R.Garden Services Private Limited,
rep. by its Authorised Signatory and
Managing Director Mrs.R.Manju

... Petitioner

Versus

1. V.Srinivasa Rao,
S/o. V.Chidambareswara Rao

2. V.Bharathy,
W/o. V.C.Rao

... Respondents

PRAYER : Civil Revision Petition filed under Sec.25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 as amended, praying to set aside the judgment and decree dated 19.07.2019 made in R.C.A.No. 177 of 2017 on the file of VIII Judge, Court of Small Causes (Appellate Authority) confirming the order of learned XV Judge, Court of Small Causes, Chennai dated 09.02.2017 made in M.P. No.203 of 2016 in R.C.O.P. No.18 of 2016.



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For Petitioner : Mr.P.Chandrasekar

For Respondents : Mr.Uttam Joseph Cheriyan

ORDER

Challenging the impugned order passed in R.C.A.No. 177 of 2017 on the file of learned VIII Judge, Court of Small Causes, Chennai, the appellant preferred this Civil Revision Petition.

2. The learned Rent Controller passed an order dated 09.02.2017 in M.P. No. 203 of 2016 in R.C.O.P. No.18 of 2016 directing the tenant to pay a sum of Rs.10,50,000/- towards arrears of rent and ordered eviction. Challenging the said order, the tenant preferred Rent Control Appeal. On hearing both sides, the learned Rent Control Appellate Authority dismissed the appeal stating that as there is arrears of rent, the order passed by learned Rent Controller was confirmed and also held that the tenant has to pay arrears of rent and also ordered for eviction in R.C.A.No. 177 of 2017 vide order dated 19.07.2019. Against which, the tenant preferred this Civil Revision Petition. On hearing both sides, this Court granted a conditional order dated 16.10.2019 directing him to pay a sum of Rs.40,00,000/- out of



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alleged arrears of rent of Rs.63,00,000/- in the R.C.O.P. and the same was complied subsequently. The balance amount was not paid by the tenant according to the respondent landlords.

3. The learned counsel appearing for the Revision Petitioner submitted a memo dated 22.11.2022 to the Registry seeking permission to post the above Civil Revision Petition for withdrawal. Accordingly, the matter is listed today under the caption "for withdrawal". But, the learned counsel appearing for respondents/landlords raised objections stating that the petitioner tenant obtained an order of interim stay, due to which, all these years, from the year of 2019 onwards, without paying any rent, he enjoyed the property. So, he strongly objected with regard to the said withdrawal.

4. On considering the fact that originally, the R.C.O.P. was filed for eviction for non-payment of rent and subsequently, R.C.A. was also dismissed. So, as per the order of learned Rent Controller, the premises has to be vacated and with regard to arrears of rent, the respondents/landlords have to work out their remedy separately by executing the order. But, on



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seeing the conduct of revision petitioner, he dragged the proceedings without paying the rent by obtaining an order of stay, as such, it is not advisable, which is also taken note of.

5. In such circumstances, this Civil Revision Petition is dismissed as withdrawn. However, on seeing the conduct of revision petitioner tenant, if any execution petition is filed, the trial court is directed to dispose the same within a period of two months from the date of receipt of copy of this order. No costs. Consequently, the connected C.M.P. stands closed.

28.11.2022

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N.B. : Issue order copy on 29.11.2022

To

VIII Judge,
Court of Small Causes,
Chennai.



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T.V.THAMILSELVI, J.

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