



C.R.P.No.4206 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

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THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4206 of 2022

and

C.M.P.No.22015 of 2022

Mr.V.Raaja

... Petitioner

Vs.

Mrs.R.Varathalakshmi

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in E.P.No.6 of 2020 in RCOP 45 of 2017 of 18.10.2022 on the file of the Learned Principal District Munsif Court at Alandur, by allowing the CRP.

For Petitioner : Mr.D.Yogeswaran



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ORDER

The Civil Revision Petition has been filed against the order passed in EP.No. 6 of 2020 in RCOP No.45 of 2017 dated 18.10.2022. The revision petitioner is the tenant and the respondent is the landlord.

2. The respondent landlord filed RCOP No.45 of 2017 for eviction of the revision petitioner on the ground of willful default, an Act of damage to material value or utility of the building and causing nuisance to the occupiers of other portions of the same building. The decree was passed against the revision petitioner and directed him to vacate and hand over the vacant possession of the petition premises to the respondent landlord within two months from the date of the order, i.e., 15.10.2019.

3. The revision petitioner/judgment debtor had not complied with the decree which necessitated the decree-holder to file an execution petition in E.P. No. 6 of 2020. The revision petitioner contested the E.P. proceedings, the Trial Court considered the issues and made a finding that the RCOP main



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petition was allowed on 15.10.2019 and as per the order, the revision petitioner/tenant has failed to vacate and hand over the vacant possession to the respondent/landlord. Thus, the judgement debtor failed to comply the condition passed under Section 11(4) of the Rent Control Act. Thus, the landlord instituted execution proceedings.

4. The Court found that mere pendency of an appeal or revision is not a ground to keep the execution proceedings pending for an indefinite period. Accordingly, the order was passed for delivery of vacant possession against the revision petitioner and the delivery was directed to be handed over by 30.11.2022. Challenging the said order, the present revision petition has been filed.

5. This Court found that the reasons recorded for ordering delivery of vacant possession in E.P. proceedings are in consonance with the established principles and the petitioner has not established any acceptable reason for the purpose of interfering with the order passed by the Trial Court in the Execution Petition.



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6. Thus, the order passed in E.P.6 of 2020 in RCOP No. 45 of 2017, dated 18.10.2022, stands confirmed and accordingly, the Civil Revision Petition stands **dismissed**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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21.12.2022

Index:Yes
Internet:Yes
Speaking Order

To

1. Principal District Munsif Court,
Alandur



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S.M.SUBRAMANIAM.J.,

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