



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.02.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P. (MD) .No.281 of 2022

V.Gabriel Niraivalan

... Petitioner/Plaintiff

Vs.

J.Thomas

... Respondent/Defendant

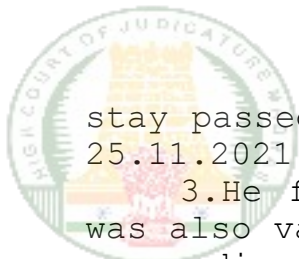
PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Executive Court to give a speedy disposal of E.P.No.88 of 2019 on the file of the Rent Controller/Principal District Munsiff, Tuticorin within a specified period.

For Petitioner : Mr.KA.Ramakrishnan

O R D E R

This Civil Revision Petition has been filed to direct the Executive Court to give a speedy disposal of E.P.No.88 of 2019 on the file of the Rent Controller/Principal District Munsiff, Tuticorin within a specified period.

2.The learned counsel for the petitioner submitted that the petitioner has filed a petition in R.C.O.P.No.08 of 2016 before the Rent Controller, Tuticorin for vacating the schedule property on the ground of arrears of rent, which was allowed on 25.02.2019 on the ground of willful default in paying the rent. Thereafter, he has filed Execution Petition in E.P.No.88 of 2019 to vacate the respondent from the schedule building and handover the key and the same was ordered on 04.06.202 and Amein was directed to vacate the schedule building and report on 23.06.2021. But due to Covid-19 pandemic situation, the Court Amein has not gone to vacate the schedule building. After that on 09.08.2021, the Court Amein has gone to vacate the schedule building, but he has returned the warrant that the schedule building was locked. Thereafter, steps were taken before the E.P.Court for appropriate action and on 21.10.2021, when the Amein along with police went to take delivery of the property, the respondent has approached this Court and undertook to grant a conditional order and this Court, by order dated 21.10.2021 in C.M.P(MD)No.8595 of 2021 in C.R.P(MD)No.1570 of 2021 directed the respondent to deposit 50% of the arrears of rent within a period of four weeks from the date of receipt of a copy of that order and that the petitioner would continue to deposit the monthly rent on or before the 10th of every succeeding English Calendar month. But the respondent did not obey the conditional order. Therefore, the petitioner has filed a petition in C.M.P(MD) No.9868 of 2021 in C.R.P(MD)No.1570 of 2021, to vacate the order of



stay passed in C.M.P(MD)No.8595 of 2021 and the same was vacated on 25.11.2021.

3.He further submitted that though the said interim protection was also vacated by this Court, the Execution Court is dragging the proceedings. Hence, the petitioner seeks direction, to direct the Executive Court to give a speedy disposal of E.P.No.88 of 2019 on the file of the Rent Controller/Principal District Munsiff, Tuticorin within a specified period.

4.Since E.P.No.88 of 2019 in R.C.O.P.No.8 of 2016 is pending from the year 2019, and the interim protection granted by this Court in C.M.P(MD)No.8595 of 2021 was also vacated, the Rent Controller/Principal District Munsiff, Tuticorin is directed to dispose E.P.No.88 of 2019 in R.C.O.P.No.8 of 2016 within a period of one month from the date of receipt of a copy of this order.

5. With the above observation, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

21/02/2022

Sub Assistant Registrar(CS)

vsd

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Rent Controller/Principal District Munsiff,
Tuticorin.

Copy to:

The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.KA.RAMAKRISHNAN, Advocate(SR-7541[F] dated
21/02/2022)

C.R.P. (MD) .No.281 of 2022
18.02.2022

MGJ(21.02.2022) 2P 4C