



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction



Friday, the Fourth day of November Two Thousand and Twenty Two

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD). Nos.5040, 5041, 5043, 5045 to 5047 of 2022
in
CRP(MD).Nos.820 to 825 of 2022

K.P. Raja	... Petitioner in CMP(MD). 5040/ 2022
M. Abbas	... Petitioner in CMP(MD). 5041/ 2022
Ganesh	... Petitioner in CMP(MD). 5043/ 2022
Kamardeen	... Petitioner in CMP(MD). 5045/ 2022
A. Vasu	... Petitioner in CMP(MD). 5046/ 2022
T.R. Jahangir Badsha	... Petitioner in CMP(MD). 5047/ 2022

Vs

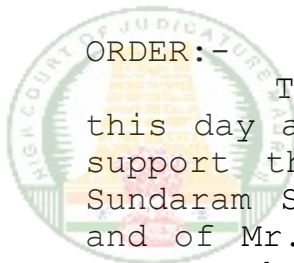
K. Amuthavalli ... Respondent in all CMPs

Common prayer in CMP(MD).No.5040/2022,5041,5043,5045 & 5047 of 2022:-

This Petition filed under Section 151 of C.P.C., praying this Court to modify the order passed in C.R.P. (MD). Nos. 820 to 825 of 2022 and to direct the District Munsif Cum Judicial Magistrate Court, Kodaikanal to consider earlier rent paid by the Petitioner and deposited in the Trial Court to the credit of RLTOP No. 2 of 2021, RCOP No. 1 of 2019, RCOP No. 5 of 2019, RCOP No. 2 of 2019, RCOP No. 2 of 2019 and RCOP No. 4 of 2019 respectively.

Prayer in CRP(MD).Nos. 820 to 825/ 2022 :

Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order 25.02.2022 made in E.P. No. 2 of 2017 in RCOP. No. 1 of 2015, E.P. No. 6 of 2017 in RCOP. No. 17 of 2015, E.P. No. 5 of 2017 in RCOP . No. 14 of 2015, E.P. No.4 of 2017 in RCOP. No. 9 of 2015, E.P. No. 7 of 2017 in RCOP. No. 18 of 2015 and E.P. No. 3 of 2017 in RCOP. No. 3 of 2015 respectively, on the file of the District Munsif Cum Judicial Magistrate Court, Kodaikanal, by allowing these Civil Revision Petition.



ORDER:-



This Civil Miscellaneous Petition coming on for consideration this day and upon perusing the petition and the affidavit in support thereof and upon hearing the arguments of Mr. Meenakshmi Sundaram Sr. Counsel for Mr. K. Guhan, Advocate for the Petitioner and of Mr. V.M. Balamohan Thambi, Advocate for the respondent, this Court made the following order:

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These applications are filed to modify the order passed by this Court in CRP(MD) Nos. 820 to 825 of 2022.

2. The petitioners are tenants. The respondent / landlord has filed applications for eviction before the District Munsif Court, Kodaikanal. *Ex-parte* orders were passed and thereafter, the landlord filed applications for execution. The orders of delivery were challenged by the petitioners / tenants before this Court and the same were set aside by this Court on the ground that the petitions filed for setting aside the *ex-parte* decrees were allowed by the trial Court. This Court also directed that the RCOP proceedings to be proceeded with and be concluded within a reasonable time. At that time, the respondent / landlord claimed that the petitioners / tenants have not paid any rent. Considering the same, a direction was issued to the petitioners / tenants to deposit the rent including arrears, pending disposal of the RCOP proceedings.

3. Learned Counsel for the petitioners submitted that the petitioners have already filed applications under Section 9 of the Tamil Nadu Building (Lease & Rent Control) Act, 1960 and the said applications are pending consideration. Even before the orders passed by this Court directing them to deposit the rent amount, the petitioners are regularly depositing the rent amount in the applications filed by them under Section 9 of the Act. Therefore, they have filed the present petitions seeking a direction to the learned District Munsif cum Judicial Magistrate, Kodaikanal to consider the earlier rent deposited by the petitioners as that of the rent amount deposited to the credit of the RCOP proceedings.

4. Learned Counsel for the respondent / landlord is not having any serious objections in allowing these petitions, however, he prayed for a direction to the petitioners to deposit the rental amount, including arrears, without fail.

5. In view of the above submissions, these miscellaneous petitions are ordered and the amount already deposited by the petitioners to the credit of the applications filed under Section 9 of the Act shall be considered to the credit of the RCOP proceedings. The petitioners / tenants shall deposit the rental amount, including arrears, regularly, without fail. It appears that this Court, considering the age of the RCOP proceedings, has already issued a direction to the trial Court to dispose of the proceedings within a stipulated time limit. However, in view of these litigations, the proceedings are still pending. Considering the



same, there shall be a direction to the trial Court to expedite the proceedings and to conclude the same, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. The parties are expected to co-operate the trial Court for the conclusion of the trial.



Sd/-

Assistant Registrar(CS-I)

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/11/2022

Sub Assistant Registrar(CS)

To

1. The District Munsif Cum Judicial Magistrate Court, Kodaikanal.

ORDER DATED : 04/11/2022

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ORDER

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CMP(MD). Nos.5040 , 5041, 5043, 5045
to 5047 of 2022

in

CRP(MD).Nos.820 to 825 of 2022

Giving direction and etc.

as stated within.

KB(14.11.2022) 3P 2C