



CRP(PD)(MD)No.1246 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1246 of 2022

A.N.Subramaniyan

... Petitioner

Vs

S.Jegadeesh

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to direct the Additional District Munsif Court, Madurai Town to dispose of E.P.No.70 of 2022 in RCOP NO.44 of 2013, within a period stipulated by this Court.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.S.Manohar

ORDER

This Civil Revision Petition is filed to dispose of the order passed by the learned Additional District Munsif, Madurai in E.P.No. 70 of 2022 in RCOP No.44 of 2013.



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2.The petitioner is the landlord and the respondent is the tenant. The petitioner has filed R.C.O.P.No.44 of 2013, before the Principal District Munsif Court, Madurai against the respondent herein for fixation of fair rent and the same was allowed on 06.09.2018 and a fair rent as Rs.14,484/- per month has been fixed. Appeal filed by the respondent in R.C.A.No.42 of 2019 as against the order passed in R.C.O.P.No.44 of 2013 was dismissed by the Rent Control Appellate Authority on 29.01.2020. Hence, the petitioner/landlord filed E.P.No. 70 of 2022, before the Additional District Munsif Court, Madurai Town on 23.03.2022 and the Executing Court posted the matter on 18.08.2022 for filing counter affidavit. Hence, a direction may be issued to the learned Additional District Munsif, Madurai to dispose of E.P.No.70 of 2022 in RCOP No.44 of 2013 at the earliest.

3.The learned counsel appearing for the petitioner submits that in earlier occasion, the petitioner moved Civil Revision Petition in CRP(MD) No.711 of 2020, wherein, an affidavit of undertaking has



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been filed by the tenant that he will hand over the possession of the property to the landlord on 04.01.2023 and also assured that he will pay a sum of Rs.10,000/- as monthly rent, till he vacates the property. Based on the above undertaking filed by the tenant, the Civil Revision Petition was disposed of holding that if any violation found, the landlord shall take steps to execute the order of eviction. Since there is a violation of condition by the tenant in paying the rent belatedly after three days, the landlord filed the Execution Proceedings in E.P.No.70 of 2022.

4.The learned counsel appearing for the respondent submits that as per the order of this Court in CRP(MD) No.711 of 2020, he was permitted to continue as a tenant till 04.01.2023 and he will vacate the premises as per the order of this Court.

5.Heard the learned counsel on either side and perused the materials placed on record.



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6. On perusal, it is seen that the petitioner and the respondent are landlord and tenant respectively. For fixing a fair rent, the petitioner/landlord filed R.C.O.P.No.44 of 2013, before the Principal District Munsif Court, Madurai and a fair rent of Rs.14,484/- per month has also been fixed. Appeal filed by the respondent/tenant in R.C.A.No.42 of 2019 was dismissed by the first Appellate Court on 29.01.2020. In earlier round of litigation, the landlord filed CRP(MD) No.711 of 2020 and based on the affidavit of undertaking given by the tenant that he will hand over the possession of the property to the landlord on 04.01.2023 and he will pay a sum of Rs.10,000/- as monthly rent, it was disposed of. Since the tenant violated the condition, the landlord filed E.P.No.70 of 2022, before the Additional District Munsif Court, Madurai Town on 23.03.2022 and the present Civil Revision Petition to direct the Executing Court to dispose of E.P.No.70 of 2022 at the earliest.



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7. Since already there is an order of this Court permitting the petitioner to occupy the premises till 04.01.2023, this Court is not inclined to pass any further order in this application. In any event, the respondent/tenant is not vacated the premises and hand over the possession to the landlord, on or before 04.01.2023, the Executing Court shall proceed with E.P.No.70 of 2022 and dispose of the same within one week from thereon.

8. With the above observation and direction, this Civil Revision Petition is disposed of. No costs.

02.08.2022

Index : Yes / No.
Internet : Yes / No.
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To

The Additional District Munsif Court, Madurai



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B.PUGALENDHI, J.

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Order made in
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