



CRP(PD)(MD)No.1288 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1288 of 2022 and
CMP(MD)No.5308 of 2022

Tmt.R.M.Nagammai Achi

... Petitioner

Vs

1.M/s.Sri Ambigai Medicals,
Through one of its Partner C.T.Kannan
S/o Chidambaram.

2.C.T.Kannan
3.C.T.Murugan

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the order of memo dated 11.04.2022, passed by the Principal District Munsif (Rent Controller) Court, Madurai Town in RCOP No.79 of 2018.

For Petitioner : Mr.K.Sudalayandi



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ORDER

This Civil Revision Petition is filed as against the order of memo passed by the learned Principal District Munsif (Rent Controller), Madurai in RCOP No.79 of 2018, dated 11.04.2022.

2.The petitioner/Landlady has filed R.C.O.P.No.79 of 2018 before the District Munsif, Madurai Town (Rent Controller) against the respondents/tenants, seeking eviction of the respondents from the schedule building on the ground of willful default of payment of rent, for the purpose of her own use. Pending the petition, I.A.No.319 of 2018 has been filed by the petitioner to direct the respondents to deposit the arrears of rent due, in respect of petition mentioned properties. The trial Court has also allowed the petition on 21.01.2022 and directed the respondents to pay the arrears of rent and in case of default, eviction will be ordered in main RCOP. Thereafter, the respondents filed I.A.No.37 of 2022 seeking extension of time to deposit the arrears of rent due and the same was also allowed by the trial Court. Even thereafter, the respondents failed to deposit the rent and



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hence the petitioner filed a memo with a prayer for order of eviction. At this juncture, the respondents have produced the challan to prove that they have paid rent upto June 2022. Hence, the trial Court has held that since the main RCOP is posted for cross examination of PW 1 and also at the time of filing the memo, the respondents have remitted the arrears of rent amount, recorded the objections of the petitioner and the memo filed by her, directed the parties to co-operate for early disposal of R.C.O.P.No.79 of 2018. Challenging the same the present Civil Revision Petition is filed.

3.The learned counsel appearing for the petitioner submits that the Rent Controller ought not to have entertain the application filed by the respondents for extension of time. He further submits that the provisions of Civil Procedure Code is not applicable to the rent control proceedings. He relied upon the judgment in the case of ***M.Paul Raj Vs.N.Paramasivam***, reported in ***(2009) 6 MLJ 985***, wherein, it was held as follows:-

“8.Generally, there is an exclusion of the applicability of the provisions of the Code of Civil Procedure and where it is either made applicable or even intended to apply, provision is



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made to that effect as per the decision in Devarajan Vs.Muniratnam 94 LW 435 at 437. The special procedure of rules framed under the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, provide for a procedure to be followed by the learned Rent Controller and the learned appellate authority and they deal with certain aspects of the procedure to be followed and it is quite obvious that the provisions of the Code of civil Procedure cannot be invoked dealing with the petition under the Act as per the decision in Krishnamoorthy Vs. Jagat Textiles (1981) 1 MLJ 394.”

Finally, he prays that the order of the trial Court dated 11.04.2022 has to be set aside.

4.This Court considered the submissions of the learned counsel for the petitioner and also perused the materials placed on record. Since no adverse order is going to be passed as against the respondents, notice to them is dispensed with.

5.On perusal of the records shows that the petitioner herein has filed R.C.O.P.No.79 of 2018 before the District Munsif, Madurai Town



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(Rent Controller) against the respondents for the relief of eviction on the ground of wilful default of payment of rent. The interlocutory application filed by the petitioner in I.A.No.319 of 2018 to direct the respondents to deposit the arrears of rent was also allowed by the trial Court and the respondents were directed to pay the arrears of rent within the stipulated time. Since the respondents could not deposit the amount in time, they have filed I.A.No.37 of 2022 seeking extension of time and the same was also allowed. Even then, they did not remit the amount and hence the petitioner filed a memo for order of eviction. At that time, the respondents produced the challan to prove that they have paid rent upto June 2022. Hence, the trial Court recorded the memo filed by the petitioner and has rightly directed the parties to co-operate for early disposal of R.C.O.P.No.79 of 2018. Since the respondents have deposited the amount subsequently, there is no need to interfere with the order of the trial Court. However, considering the fact that the main R.C.O.P.No.79 of 2018 is of the year 2018, there shall be a direction to the trial Court to dispose of R.C.O.P.No.79 of 2018 within a period of four months from the date of receipt of a copy of this order.



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6. With the above direction, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

28.06.2022

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

The Principal District Munsif (Rent Controller) Court, Madurai



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B.PUGALENDHI, J.

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