



CONT.P(MD).No.1003 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

CORAM : JUSTICE N.SESHASAYEE

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Devaki

...Petitioner/1st Respondent

Vs

1.Ashok Kumar
2.Kishok
3.Seenivasan

...Contemnors/Petitioners

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for contempt of Court by their act of willful disobedience of the order of this Court dated 06.10.2020 made in C.R.P(MD).No.736 of 2020.

For Petitioners : Mr.V.S.Kumaraguru

For Respondents : Ms.Jessi Jeeva Priya
Mr.R.Maheswaran
for proposed person

ORDER

The landlord who succeeded in her eviction petition has laid E.P.No.94 of 2021 for executing the order of the eviction she has obtained.



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2. The learned counsel for the tenant submitted that the tenant had already vacated the premises but has not handed over the same since a third party has filed some obstruction petition and also claim petition in the execution proceedings.

3. The third party so reported by the learned counsel for the tenant, is Shri Vyasarayya Mutt through his Peetadhipathi, headquartered in Karnataka represented through his power of attorney. The learned counsel for the Mutt made a statement before the Court that the above referred to Mutt had considerable number of properties both in Karnataka and also in Tamil Nadu, and that vide an order of the Karnataka High Court, an Administrator had been appointed, and that the Administrator has found that the property involved in this litigation actually belonged to the Mutt. The Administrator had handed over the administration back to Peetadhipathi after the expiry of his term. The learned counsel submitted that he has filed an application to intervene in this contempt proceedings. He admitted that he has filed an obstruction petition in the execution proceedings and also claim petition.



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4. This Court now understands why the tenant could not hand over the possession to the landlord in compliance with the order of eviction. It needs to be underscored that an eviction petition under the Tamil Nadu Building (Lease and Rent Control) Act is essentially summary in character and complex questions of title are beyond the purview of the Rent Controller. For the Rent Controller to exercise its authority, the equations founded on the jural relationship between the landlord and the tenant should be straight forward and without any ambiguity. Hence, this Court considers that a third party cannot enter this contempt proceedings to decide the *inter se* dispute, if any, between the third party Mutt and the landlord.

5. This Court takes cognizance of the obstruction petition and the claim petition filed before the Rent Controller in the execution proceedings initiated by the landlord. A third party's obstruction petition may be relevant, if such third party is in possession on an independent title. Here it is not the case. So far as the application for claim under Order XXI Rule 58 C.P.C is concerned, it is not a money suit where the property is attached for sale.



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Either way, an application filed by a third party may not be sustained more so in an execution petition for executing the order of eviction passed under the provisions of the Tamil Nadu Building (Lease and Rent Control) Act. The learned Rent Controller before whom the execution petition is pending is required to expedite the process of disposing of the same on or before **31.12.2022**. The Mutt is granted liberty to work out its remedy independently against the landlord.

6. So far as the contempt is concerned, in view of the discussion above, nothing survives for adjudication. Hence, this Contempt Petition is closed.

29.11.2022

Internet: Yes
Index: Yes/No
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Note: Issue Order copy on **01.12.2022**.



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N.SESHASAYEE, J.

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