



CRP(NPD)(MD)Nos.1469 & 1983 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(NPD)(MD)Nos.1469 & 1983 of 2022

CRP(NPD)(MD)No.1469 of 2022:

Ganesharaja

... Petitioner

Vs

Gurusamy Raja

... Respondent

CRP(NPD)(MD)No.1983 of 2022:

B. Gurusamy Raja

... Petitioner

Vs

T.S.Ganesharaja

... Respondent

Prayer in CRP(NPD)(MD)No.1469 of 2022: Petition filed under Article 227 of the Constitution of India, to direct the Rent Control Tribunal (District Munsif Court, Rajapalayam) to expedite the pending execution proceedings in E.P.No.1 of 2022 in R.L.T.O.P.No.43 of 2019 within the time stipulated by this Court.



CRP(NPD)(MD)Nos.1469 & 1983 of 2022

Prayer in CRP(NPD)(MD)No.1983 of 2022: Petition filed under Article 227 of the Constitution of India, to direct the Sub Court, Srivilliputhur to consider I.A.No.1 of 2021 in R.C.A.No.9 of 2021 and pass orders on merits in accordance with law, within a period stipulated by this Court, before the orders could be passed by the District Munsif Court, Rajapalayam in E.P.No.1 of 2022 in R.L.T.O.P.No.43 of 2019.

For Petitioner : Mr.A.Balaji
For Respondent : Mr.A.Sivaji
(In CRP No.1469 of 2022)

For Petitioner : Mr.A.Sivaji
For Respondent : Mr.A.Balaji
(In CRP No.1983 of 2022)

COMMON ORDER

These Civil Revision Petitions have been filed by the landlord and the tenant to expedite the execution proceedings in E.P.No. 1 of 2022 in R.L.T.O.P.No.43 of 2019, pending on the file of the Rent Control Tribunal (District Munsif Court, Rajapalayam) and to direct the Subordinate Court, Srivilliputhur, for grant of stay in I.A.No.1 of 2021 in R.C.A.No.9 of 2021.



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2.Since the parties and the issue involved in these Civil Revision Petitions are one and the same, these Revision Petitions are taken up together and disposed of by way of this common order.

3.The petitioner in CRP(MD)No.1469 of 2022 is a landlord and he filed R.L.T.O.P.No. 43 of 2019 before the District Munsif Court, Rajapalayam as against the petitioner in CRP(MD)No.1983 of 2022 for the relief of eviction and the same was allowed in favour of the landlord on 26.11.2021. Challenging the same, the tenant filed an appeal before the Subordinate Court, Srivilliputhur in R.C.A No.9 of 2021, which is still pending. Pending the appeal, the tenant with a grievance that he is running a shop in the suit schedule property filed an interlocutory application in I.A.No.1 of 2021, to grant an order of interim injunction. The first Appellate Court has not passed any order in I.A.No.1 of 2021. In the meantime, the landlord initiated the execution proceedings in E.P.No.1 of 2022 to implement the order passed by the trial Court in R.L.T.O.P No.43 of 2019. Therefore, the tenant filed CRP(MD) No.



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1983 of 2022 for early disposal of I.A.No.1 of 2021.

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4.The learned counsel appearing for the landlord submits that as per the order passed by the trial Court in R.L.T.O.P No.43 of 2019 dated 26.11.2021, the trial Court has to expedite the execution proceedings in E.P.No.1 of 2022 and in this regard, a suitable direction may be issued to the trial Court.

5.The learned counsel appearing for the tenant submits that since he is running a shop in the subject property, a direction may be issued to the first Appellate Court to pass an order in I.A.No.1 of 2021 in R.C.A.No.9 of 2021 granting interim stay of the order passed by the trial Court in R.L.T.O.P.No.43 of 2019.

6.This Court considered the rival submissions made by either side counsel and also perused the materials placed on record.



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7. Admittedly, challenging the order passed in favour of the landlord by the learned District Munsif, Rajapalayam in R.L.T.O.P No. 43 of 2019, the tenant has filed an appeal in R.C.A No.9 of 2021, before the Subordinate Court, Srivilliputhur and the same is pending from the year 2021. In the meantime, the landlord has initiated execution proceedings in E.P.No.1 of 2022 to execute the order passed in R.L.T.O.P.No.43 of 2019. The tenant claiming that he is running a shop in the subject property filed an application in I.A.No.1 of 2021 before the first Appellate Court seeking an order of interim stay of the order passed by the trial Court in R.L.T.O.P.No.43 of 2019.

8. Considering the submissions made by either side counsel and in order to give a quietus to this issue and also taking into consideration of the fact that the tenant is running a shop in the subject property, there shall be an order of interim injunction for implementing the order passed by the trial Court in R.L.T.O.P.No. 43 of 2019, for a period of eight weeks from the date of receipt of a copy of this order,



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enabling the parties to work out their remedy before the first Appellate Court in R.C.A.No. 9 of 2021 filed by the tenant. The first Appellate Court after hearing both sides shall endeavour to dispose of the appeal in R.C.A.No.9 of 2021 at the earliest possible time.

9.With the above directions, these Civil Revision petitions are disposed of. No costs.

29.09.2022

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

- 1.The Rent Control Tribunal (District Munsif Court, Rajapalayam).
- 2.The Subordinate Court, Srivilliputhur.



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B.PUGALENDHI, J.

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Common Order made in
CRP(NPD)(MD)Nos.1469 & 1983 of 2022

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