



+BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.02.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD) .No.1969 of 2021

and

CMP (MD) No.10574 of 2021

Karthick David

... Petitioner/ Petitioner

Vs.

M.B.Uthayakumar

...Respondent/Respondent

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decreetal order made in I.A. No.236 of 2021 in R.C.O.P. No.3 of 2020 dated 20.10.2021 on the file of the District Munsif Court Cum Rent Control Court, Madurai Taluk, Madurai.

For Petitioner : Mr.R.Murali

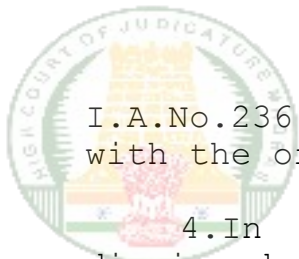
For Respondent : Mr.R.Nireshkumar

O R D E R

This Civil Revision Petition has been filed to set aside the order and decreetal order made in I.A. No.236 of 2021 in R.C.O.P. No.3 of 2020 dated 20.10.2021 on the file of the District Munsif Cum Rent Control Court, Madurai Taluk, Madurai on the ground that the rental site is a only vacant site, so RCOP cannot be filed against this revision petitioner.

2.The said I.A.No.236 of 2021was filed by the revision petitioner before the District Munsif Cum Rent Control Court, Madurai Taluk, Madurai, which was dismissed on the ground that the judgments relied on by the revision petitioner reported in **2018 1 LW 961** and **1195 1 LW 154**, which were pronounced on the basis of Tamil Nadu Building Lease and Rent Control Act 1960 are not applicable in the case on hand.

3.A perusal of petition schedule and written agreement show that 5 cent vacant site including a tin shed in one cent was given for rent, so it is not only a vacant site, but the property contains a tin shed also. So the contention of the revision petitioner is not at all acceptable. So, the learned District Munsif Court cum Rent Controller, Madurai Taluk, Madurai has rightly dismissed the



I.A.No.236 of 2021. This Court finds no valid reason to interfere with the order of the Court below.

4.In view of the above, this Civil Revision Petition is dismissed and the order, dated 20.10.2021 in I.A.No.236 of 2021 in RCOP.No.3 of 2020 passed by the learned District Munsif Court cum Rent Controller, Madurai Taluk, Madurai, is hereby confirmed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The District Munsif Cum Rent Control Court,
Madurai Taluk,
Madurai.

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-8003[F] dated 23/02/2022)

C.R.P(MD).No.1969 of 2021

and

CMP(MD)No.10574 of 2021

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