



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Thirtieth day of November Two Thousand and Twenty
Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD)No.10817 of 2022

in

CRP.No.1245 of 1996

P.Vadamalai (Died)

1.V.Jeyapal

2.V.Chandrasekaran

3.V.Rajasekaran

... Petitioners/Respondents

Vs

S.Sethukarai Nadar

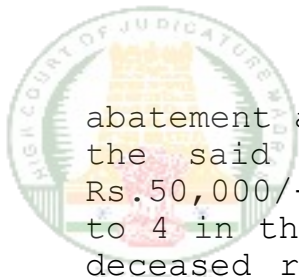
... Respondent/Petitioner

Prayer in CMP(MD)No.10817 of 2022 :- Civil Miscellaneous Petition filed under Section 151 of C.P.C., to issue a Cheque for the sum of Rs.50,000/- (Rupees Fifty Thousand only) infavour of petitioner's counsel Mr.D.Nallathambi and thus render justice.

Prayer in CRP.No.1245 of 1996:- Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the order dated 17.03.1994 passed in R.C.A.No.126 of 1991, on the file of the Rent Control Appellate Authority, Principal Subordinate Court, Madurai, confirming the order and decreetal order dated 29.04.1991 made in RCOP.No.774 of 1982 on the file of the Rent Controller/Principal District Munsif, Madurai.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.D.Nallathambi, Advocate for the Petitioner and of Mr.S.M.Anantha Murugan, Advocate for the Respondent, this Court made the following order:-

The respondent / landlord filed the civil revision petition as against one Vadamalai in the year 1996. Pending civil revision petition the respondent Vadamalai passed away on 12.08.2004. Subsequently CMP(MD)Nos.10622 to 10624 of 2018 were filed to condone the delay of 5007 days in filing the application to bring on record the legal heirs of deceased respondent, to set aside the



abatement and to bring on record the legal heirs. This Court had the said applications by order dated 01.04.2021 with cost of Rs.50,000/- to be paid to the learned Counsel for the respondents 2 to 4 in those petitions. It is reported that the legal heirs of the deceased respondent have refused to receive the said cost and the said amount was deposited before this Registry. As a subsequent development, the legal heirs of the deceased respondent / tenant have filed an undertaking affidavit that they would vacate the premises on or before 30.11.2022 and recording their undertaking the civil revision petition was disposed of on 01.08.2022.

2.The learned Counsel on either side submit that as per the undertaking given by them, they have also handed over the premises to the landlord on 27.11.2022. Now this petition is filed for withdrawing the amount deposited pursuant to the order of this Court dated 01.04.2021 passed in CMP(MD)Nos.10622 to 10624 of 2018.

3.A joint memo dated 30.11.2022 has been filed by the learned Counsel for the petitioners and the respondent in this regard. The respondent's counsel has no objection for this petition.

4.In view of the said joint memo and no objection, this petition is ordered.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/01/2023

Sub Assistant Registrar(CS)

DSK

To

1.The Principal Subordinate Judge,
Rent Control Appellate Authority,
Madurai.

2.The Principal District Munsif,
Rent Controller,
Madurai.

Copy to:-

The Section Officer, Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-14117[I] dated

01.12.2022)
<https://www.mhcn.org/>



WEB COPY

CMP(MD)N



22

ORDER DATED : 30/11/2022

=====

ORDER

=====

CMP (MD) No.10817 of 2022
in
CRP.No.1245 of 1996

Giving direction and etc.
as stated within.

AMS (05.01.2023) 3P 6C