



CRP(NPD)(MD)No.2206 of 2022 and 25 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(NPD)(MD)No.2206 of 2022 and 25 of 2020
and CMP(MD)Nos.10298 of 2022 and 152 of 2020

CRP(NPD)(MD)No.2206 of 2022

R.M.Natarajan

... Petitioner

versus

Abitha Beevi

... Respondent

Civil Revision Petition filed under Section 115 of C.P.C. against the fair and decreetal order dated 20.09.2022 made in E.P.No.12 of 2018 in R.C.O.P.No.6 of 2012 on the file of the District Munsif Court, Pudukkottai.

For Petitioner : Mr.N.Balakrishnan
for Mr.G.Mohankumar

For Respondent : Mr.M.Sheik Abdullah



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CRP(NPD)(MD)No.25 of 2020

R.M.Natarajan

... Petitioner

versus

Abitha Beevi

... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960, against the fair and decreetal order dated 12.01.2018 made in R.C.A.No.5 of 2015 on the file of the Rent Control Appellate Authority (Sub-Judge), Pudukkottai, confirming the fair and decreetal order dated 18.03.2015 made in R.C.O.P.No.6 of 2012 on the file of the Rent Controller-cum-District Munsif, Pudukkottai.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.M.Sheik Abdullah

COMMON ORDER

The petitioner herein is the tenant. The respondent herein is the landlord. The respondent herein had filed a eviction petition in R.C.O.P.No.6 of 2012 before the Rent Controller-cum-District Munsif, Pudukkottai, on the ground of willful default. The said petition was



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allowed by order dated 18.03.2015. Aggrieved over the same, the petitioner/tenant filed an appeal before the Rent Control Appellate Authority (Sub-Judge), Pudukkottai, in R.C.A.No.5 of 2015. The said appeal was dismissed by Judgment and Decree dated 12.01.2018. Aggrieved over the same, the petitioner/tenant has filed CRP(NPD)(MD)No.25 of 2020.

2. Since the appeal preferred by the petitioner/tenant was dismissed by the Rent Control Appellate Authority, confirming the order passed by the Rent Control Authority, the respondent/landlord filed an Execution Petition in E.P.No.12 of 2018 before the Executing Court, namely, the District Munsif Court, Pudukkottai, wherein, the petitioner/tenant was directed to hand over the possession on or before 15.11.2022. Aggrieved over the same, the petitioner/tenant has filed CRP(NPD)(MD)No.2206 of 2022.



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3. The learned counsel appearing for the petitioner submits that the petitioner is running a Matriculation School in the subject property and there are students studying in the School. Therefore, the petitioner may be permitted to occupy the property till the completion of the Academic Year, i.e. 25th May 2023. After the completion of the Academic year, the petitioner may also be permitted to dismantle the superstructure made by him in the subject property. Therefore, the learned counsel for the petitioner requests for time to vacate the premises till 25th may 2023.

4. The learned counsel for the respondent/landlord strongly opposed for granting time that after the dismissal of the appeal preferred by the petitioner/tenant, the respondent/landlord filed the Execution Petition in the year 2018, but, that petition was ordered by the Executing Court only in the year 2022, i.e. on 20.09.2022. It shows that the petitioner has also dragged the Execution proceedings for more than 4 years. He further submits that the respondent/landlord is now



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aged about 75 years. Therefore, he prays for dismissing the Civil Revision Petitions.

5. This Court considered the rival submissions made and also perused the materials available on record.

6. Admittedly, the petitioner is running a Matriculation School in the subject property. Now, the petitioner has come forward with an affidavit that he may be permitted to occupy the premises till the completion of the Academic Year 2023, i.e. till 25th May 2023, for the convenience of the students and after the completion of the Academic Year, he may also be permitted to dismantle the superstructure put up by him in that premises.

7. Considering the fact that the petitioner is running a Matriculation School in the subject property and there are students studying in the School and since it is the middle of the Academic Year,



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for the convenience of the students, this Court is inclined to grant time till 25th May 2023 as requested by the petitioner.

8. Accordingly, both the Civil Revision Petitions are disposed of with a direction to the petitioner to vacate the premises and hand over the same to the landlord on or before 25th May 2023. The petitioners shall pay the rent to the landlord till the date of vacating the premises without any default. No costs. Consequently, connected miscellaneous petitions are closed.

17.11.2022

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Index : Yes / No.

Internet: Yes / No.

To

1. The District Munsif Court,
Pudukkottai.



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B.PUGALENDHI, J.

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