



CRP(PD)(MD)Nos.2263 to 2265 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

CRP(PD)(MD)Nos.2263 to 2265 of 2022 and  
CMP(MD) Nos.10625, 10626 & 10627 of 2022

CRP(PD)(MD)No.2263 of 2022

1.Veeramohan  
2.Veerapathiran

... Petitioners in all CRPs

Vs

Bhuvaneswari

... Respondent  
in CRP(PD)(MD) No.  
2263 of 2022

Rukkumani

... Respondent  
in CRP(PD) (MD) No.  
2264 & 2265 of 2022

**Prayer CRP(PD)(MD)No.2263 of 2022:** Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal orderr dated 17.02.2022 passed in I.A.No.3 of 2021 in R.C.O.P.No.2 of 2019, on the file of the District Munsif Court, Theni.



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**Common Prayer CRP(PD)(MD)No.2264 & 2265 of 2022:** Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 17.02.2022 passed in I.A.Nos.6 of 2021 & 6 of 2021 in R.C.O.P.Nos.3 & 4 of 2019, on the file of the District Munsif Court, Theni.

For Petitioners : Mr.N.C.Ashok Kumar  
(In all CRPs)

### **COMMON ORDER**

These Civil Revision Petitions are filed as against the orders passed by the learned District Munsif, Theni in I.A.No.3 of 2021 in R.C.O.P.No.2 of 2019 and in I.A.Nos.6 of 2021 and 6 of 2021 in R.C.O.P.Nos.3 & 4 of 2019, dated 17.02.2022.

2.The respondents herein have filed R.C.O.P.Nos.2,3 & 4 of 2019, before the District Munsif Court, Theni, as against the petitioners herein for the relief of eviction on the ground of willful



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default, subletting and act of waste. Pending the proceedings, the petitioners have filed the above interlocutory applications, under Section 8(5) of Tamil Nadu Buildings (Lease and Rent Control) Act 1960, seeking permission to deposit the rent amount before the trial Court. The said applications were dismissed by the trial Court that the petitioners without following the step by step procedure as prescribed under Section 8 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, directly filed the applications to deposit the rent before the Court. Aggrieved over the same, the present Civil Revision Petitions are filed.

3.The learned counsel appearing for the petitioners submits that there is a dispute with regard to the ownership of the suit schedule property and therefore, they are not in a position to pay the rent to the respondent, who initiated the rent control proceedings. He further submits that suit and counter suit in O.S.Nos.515 of 2006 & 72 of 2007



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were pending between the respondent/landlord and another and subsequently, the respondent/landlord has succeeded in the above civil suits. Though the learned counsel claims that in respect of the above civil litigation, Second Appeal is pending before this Court, he could not furnish the details.

4.This Court considered the submissions made by the learned counsel for the petitioner and also perused the materials placed on record.

5. The respondents herein have filed R.C.O.P.Nos.2,3 & 4 of 2019, before the District Munsif Court, Theni, as against the petitioners herein for eviction. The petitioners filed interlocutory applications seeking permission for deposit of rent amount, which were dismissed by the trial Court on the ground that the petitioners have not followed the procedure as contemplated under Section 8 of the Tamil



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Nadu Buildings (Lease and Rent Control) Act, 1960. It is to be noted that the ownership of the suit schedule property itself is disputed by the petitioners. The learned counsel has also taken a specific stand that civil proceedings are still pending between the respondents/landlords and another at the second appeal stage.

6. In view of the above, this Court is not inclined to entertain these Civil Revision Petitions. However, the petitioners are at liberty to pay the rent amount to the respondents/landlords, provided they accept, without prejudice to the civil proceedings pending between the parties. Considering the fact that RCOP proceedings are pending from the year 2019, the trial Court shall dispose of R.C.O.P.Nos.3 & 4 of 2019 as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.



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7. Accordingly, these Civil Revision Petition are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

**14.11.2022**

Index : Yes / No.

Internet : Yes / No.

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To

The District Munsif Court, Theni.



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**B.PUGALENDHI, J.**

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**Common Order made in**  
**CRP(PD)(MD)Nos.2263 to 2265 of 2022 and**  
**CMP(MD) Nos.10625, 10626 & 10627 of 2022**

**14.11.2022**