



C.R.P.No.332 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.02.2023

CORAM:

THE HON'BLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

C.R.P.No.332 of 2023

and

C.M.P.No.2819 of 2023

V.Balasubramanaian

...Petitioner

Vs.

1.Arunprasad Ravindranath
2.Chinnarasu

...Respondents

PRAYER: Civil Revision Petition had been filed under Article 227 of the Constitution of India to call for the records on the file of the Principal District Judge, Chengalpattu in I.A.No.4 of 2022 in O.S.No.277 of 2020 dated 21.12.2022 and to set aside the order by allowing the CRP.

For Petitioner : Mr.K.Sannjay

For Respondents : Mr.N.Senthilnathan – R1.



C.R.P.No.332 of 2023

ORDER

WEB COPY This Civil Revision Petition had been filed under Article 227 of the Constitution of India to call for the records on the file of the learned Principal District Judge, Chengalpattu in I.A.No.4 of 2022 in O.S.No.277 of 2020 dated 21.12.2022 and to set aside the same.

2. The facts in a nutshell are that the petitioner had taken on lease the property belonging to the first respondent herein and he had been running a hostel for women. The first respondent has filed a suit in O.S.No.277 of 2020 seeking to evict the petitioner and the second respondent herein. Earlier, the petitioner was set *ex-parte* by order dated 04.11.2022. Subsequently, the petitioner herein, as first defendant, filed in I.A.No.4 of 2022 seeking to set aside the *ex-parte* order. In the said petition, the learned counsel for the Plaintiff had made endorsement that he has no objection in allowing the petition. Therefore, the learned Principal District Judge, Chengalpattu, has passed an order on 21.12.2022, allowing I.A.No.4 of 2022. The order dated 21.12.2022 reads as under:

“In view of the endorsement petition will be allowed on deposit of rental arrears of Rs.14,02,000/- (Fourteen lakhs,



C.R.P.No.332 of 2023

two thousand only) into court, on or before 03.02.2023, otherwise petition stands dismissed.”

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3. Aggrieved by the same, the petitioner has approached this court.

4. It is the contention of learned counsel for the Petitioner that he had been unable to collect the rent from the hostellers during the Covid-19 pandemic on account of lockdown, but he had paid the entire arrears of rent till the filing of the suit. Therefore, the learned Principal District Judge ought not to have directed the payment of entire rental arrears of Rs.14,02,000/-, which is seriously disputed by the petitioner.

5. Learned Counsel for the first Respondent/Plaintiff submits that the property in Chengalpattu District is of huge value. The petitioner is an Engineer by profession residing in Trichy. He has taken the property on lease for business purpose. Originally, he used to pay the rent regularly. Subsequently, there was irregularity in payment of rent, resulting in arrears of rent to the tune of Rs.14,02,000/-. When there was huge arrears to be paid to the first respondent herein, the petitioner sublet the property to second



C.R.P.No.332 of 2023

respondent, who is an influential person in that place, and the second respondent is preventing the first respondent from entering the property. It is further submitted that the property which was allowed to be used as a hostel for women, is now being used as hostel for men and a canteen is also run by them for the people staying in hostel and they are collecting the rent amount from the hostellers, but not paying the first respondent herein.

6. It is the contention of the learned counsel for the first respondent that the son of the first respondent has settled in USA and with his money only property has been purchased and constructed. Since the 2nd respondent, who is an influential person, is preventing the first respondent from entering/visiting the property, the first respondent had sought appointment of a receiver. However, as the petitioner herein had filed I.A.No.04 of 2022 to give a quietus to the issue and to proceed with trial, the learned counsel for the Respondent, who is also counsel before the Trial Court, had made endorsement that he had no objection in allowing I.A.No.4 of 2022, subject to the payment of arrears. Therefore, the learned Principal District Judge has passed order dated 21.12.2022, which warrants no interference.



C.R.P.No.332 of 2023

7. Considering the rival submissions made, this Civil Revision Petition filed by the petitioner is disposed of by directing the petitioner to deposit a sum of Rs.7,00,000/- within a period of one month from today to the credit of I.A.No.04 of 2022 instead of depositing a sum of Rs.14,02,000/-, as directed by the learned Principal District Judge.

8. This Civil Revision Petition stands disposed in the above terms and connected miscellaneous petition is closed. No costs.

14.02.2023

nst

Index : Yes / No

Internet : Yes / No

Neutral Citation Case: Yes/No

To

1.The Principal District Judge,
Chengalpattu.



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C.R.P.No.332 of 2023

SATHI KUMAR SUKUMARA KURUP., J.

nst

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C.R.P.No.332 of 2023
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14.02.2023