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CRP No.4028 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.4028 of 2023
and
CMP.No.24644 of 2023

M/s.Muthoot Fincorp Limited
Muthoot Centre,
Punnen Road,
Trivandrum
Rep.by its Vice President & Administration

... Petitioner

Versus

V.Prasanth

...Respondent

Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the fair and decretal order passed by the learned District Munsif, Pappireddipatti dated 22.09.2023 in I.A.No.3 of 2023 in RLTOP.No.1 of 2023.

For Petitioner : Mr. T.Saikrishnan

ORDER

The petitioner has filed this revision petition to set aside the fair and decretal order passed by the learned District Munsif, Pappireddipatti dated 22.09.2023 in I.A.No.3 of 2023 in RLTOP.No.1 of 2023.



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2. Heard, Mr. T.Saikrishnan, learned counsel for the petitioner and perused the materials available on record.

3. Before the trial Court the revision petitioner has filed an I.A.3 of 2022 in RLTOP.No.1 of 2023, praying to cross-examine P.W.1. The said application was contested by the landlord, stating that the petitioner has as not paid the rent, to drag on the proceedings, he filed this application. Considering both side submissions the learned trial Judge held that there was an arrears of Rs.9,89,136/- as on date, and directed the petitioner to pay the rent arrears to the respondent.

4. The learned counsel for the revision petitioner submitted that the title is of the landlord is under dispute. So the revision petitioner is not able to pay the rent. Therefore, there is no will full default on the side of the petitioner. Hence, he prays to allow this petition.

5. Though the petitioner is having valid defence to prove the case, by Cross-examination of DW.2. The arrears of rent as on date is nearly 10 lakhs. Therefore, this Court is inclined to direct the petitioner to pay a sum of Rs.5 lakhs, part of rent arrears amount in the credit of RLTOP.No. 1 of 2023, before



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the trial Court, within a period of two weeks from the date of receipt of a copy of this order and on such deposit the order passed by the learned trial Judge is set aside.

6. However, opportunity is given to the respondent to recall PW.1 and he is also directed to co-operate for the proceedings. Accordingly, the Rent Controller is directed to proceed with the matter as per manner known to law and dispose same within 3 months.

7. In view of the above, the Civil revision petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

06.11.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
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To

1. The District Munsif, Pappireddipatti.

2. The Section Officer,
VR-Section, High Court of Madras.

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T.V.THAMILSELVI, J.

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