



CRP(MD).No.548 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.03.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CRP(MD).No. 548 of 2023

and

C.M.P(MD)No.2604 of 2023

S.Saravanan

.. Petitioner/Petitioner/Petitioner/Plaintiff

Vs.

1.R.Ramesh

2.C.Vasanthakumar

... Respondents/Respondents/Respondents/Defendants 6 to 11

PRAYER : Revision Petition filed under Article 227 of the Constitution of India, to call for the records and pleaded to set aside the daily order in I.A.No.4 of 2021 in I.A.No.2 of 2019 in O.S.No.29 of 2018 dated 05.01.2023 on the file of the learned Additional District Court, Thoothukudi.

For Petitioner : Mr.M.Sam Eugene Jebakumar

ORDER

The present revision petition has been filed by the plaintiff in a suit for recovery of possession and other reliefs. Pending suit, the trial Court has passed an order in I.A.No.2 of 2019 filed by the plaintiff



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directing the tenant to deposit a sum of Rs.30,000/- before the Court.

This order was challenged by the tenant in C.R.P(MD).No.1064 of 2020 and the same was dismissed by this Court on 10.03.2021. Therefore, the direction issued by the trial Court to the tenant directing him to deposit a sum of Rs.30,000/- per month has become final. However, the tenant has not chosen to deposit the said rent before the Court.

2. The plaintiff in the suit was constrained to file I.A.No.4 of 2021 to attach the property of the tenant so as to recover the arrears of monthly rent of Rs.30,000/-. According to the learned counsel appearing for the revision petitioner, the trial Court, without a summary enquiry, is conducting a mini trial in I.A.No.4 of 2021 and compelling the plaintiff/revision petitioner to get certified copies of the orders made in C.R.P(MD).No.1064 of 2020 and mark the same in I.A.No.4 of 2021. The order passed by this Court in C.R.P(MD).No.1064 of 2020 on 10.03.2021 has to be complied with by the tenant and being part of the Court record, it does not require to be marked before the trial Court.

3. With these observations, the learned II Additional District Judge, Thoothukudi, is directed to dispose of I.A.No.4 of 2021 in I.A.No.



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2 of 2019 in O.S.No.29 of 2018 as expeditiously as possible, preferably on or before 30.04.2023. Accordingly, the Civil Revision Petition stands disposed of. No costs.

02.03.2023

Index : Yes / No
Internet : Yes / No
Rmk

To
The II Additional District Judge, Thoothukudi.



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R.VIJAYAKUMAR ,J.,

Rmk

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