



C.R.P(MD)No.512 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.512 of 2023

and

C.M.P(MD)No.2458 of 2023

S.Surulivel

... Petitioner/Respondent/
Respondent/ Respondent

Vs.

T.Natarajan (Died)

1.Susila

2.Raveendran

3.Suvindran

4.Mahendran

... Respondents/Petitioners/
Petitioners/Petitioners

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to allow the civil revision petition by setting aside the fair and decreetal order passed in E.A.No.46 of 2023 in EP.No.73 of 2020 in R.C.O.P.No.148 of 2018 on the file of the learned Additional District Munsif Court of Madurai Town dated 07-02-2023.



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For Petitioner : Mr.V.Om Prakash

ORDER

The present revision petition has been filed challenging an order passed by the Rent Controller, directing breaking open of the building in execution proceedings arising out of the eviction order.

2. According to the revision petitioner, he is running a mill in dispute and several machineries are embedded in the said premises. Therefore, the petitioner has filed an affidavit before the rent controller on 03.02.2023 seeking four (4) months time for vacating the premises. The learned trial Judge after considering the affidavit, has granted two (2) weeks time to remove the machineries and the break open order may be executed after a period of two weeks. Challenging the said order, the present revision petition has been filed.

3. Considering the fact that the petitioner is running a dhall mill and heavy machineries are embedded in the earth, this Court is inclined to extend the said period till 31.05.2023. The petitioner has to remove all the machineries on or before 31.05.2023 and hand over vacant



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possession to the landlord. If the revision petitioner has not handed over possession, without any further reference to High Court or the Execution Court, the landlord is at liberty to take possession of the property with the help of police after 31.05.2023.

4. With the said observations, this petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

27.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Additional District Munsif Court,
Madurai Town.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.512 of 2023

27.02.2023