



WEB COPY

C.R.P(MD)No.1429 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1429 of 2023

and

C.M.P.(MD)No.7135 of 2023

Maidheen Abdul Khader Jailani

...Petitioner/Petitioner/Plaintiff

Vs.

1.K.Shanthi

2.S.Kathiresan

... Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and to set aside the fair and decreetal order passed in I.A.No.726 of 2022 in O.S.No.371 of 2019 on the file of the Principal District Munsif of Madurai Town dated 09.12.2022.

For Petitioner : Mr.M.Mohamed Sherbudeen

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the order passed in I.A.No.726 of 2022 in O.S.No.371 of 2019 dated 09.12.2022, before the Principal District Munsif of Madurai Town.

2.The petitioner is the plaintiff in O.S.No.371 of 2019. The suit was filed by the petitioner for bare injunction to restrain the respondents



from interfering the possession of the property. The petitioner is the tenant of the respondents. The suit was allowed to be dismissed for non prosecution on 16.03.2022. Therefore, the petitioner has filed I.A.No.726 of 2022 to condone the delay of 46 days in filing the application to set aside the order dismissing the suit for non prosecution. In the meanwhile, the respondents had also filed R.L.T.O.P.No.97 of 2019 to evict the petitioner. The main suit was posted for trial on 17.06.2020. Despite the same, the petitioner has not taken any steps to proceed the case for the past two years. Therefore, R.L.T.O.P.No.97 of 2019 was allowed by the Additional District Munsif Court, at Madurai on 07.04.2022 pursuant to which, the respondent has filed E.P.No.149 of 2022 and the same is said to be pending.

3.Considering the fact that the respondent has taken steps for evicting the petitioner in the manner known to law, the remedy in O.S.No.371 of 2019 has worked out. The petitioner can be evicted only in accordance with judgment and decree of the Additional District Munsif Court, Madurai in R.L.T.O.P.No.97 of 2019 pursuant to order dated 07.04.2022. Therefore, even though there is only delay of 47 days, I do not find any sufficient reason to condone the delay as no useful purpose would be served as the respondent has rightly invoked provisions of the Tamilnadu Regulation of Rights and Responsibilities of



Landlords and Tenants Act, 2017. However, liberty is given to the petitioner to file appropriate application to set aside the order passed by the Additional District Munsif Court, Madurai Town in R.T.L.O.P.No.97 of 2019 and the learned Additional District Munsif is directed to consider if such application is filed by the petitioner as expeditious as possible and dispose of the same.

4.With the above observation, the Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

22.06.2023

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

To

- 1.The Principal District Munsif, Madurai.
- 2.The Additional District Munsif, Madurai.
- 3.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

Mrn

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