



C.R.P.(MD)No.920 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

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CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.920 of 2022

and

C.M.P.(MD)Nos.3685 and 3687 of 2022

P.Ramesh @ Manickam

.. Petitioner

Versus

M.Ramalingam

.. Respondent

Prayer :- Petition filed under Section 115 of C.P.C., against the order dated 10.03.2022, made in E.A.No.7 of 2021 in E.P.No.63 of 2014, on the file of the District Munsif Court, Theni.

For Petitioner : Mr.V.P.Rajan

ORDER

This Civil Revision Petition has been filed against the order dated 10.03.2022, made in E.A.No.7 of 2021 in E.P.No.63 of 2014, on the file of the District Munsif Court, Theni.

2.The petitioner is the unsuccessful tenant in R.C.O.P.No.6 of 2013, which came to be decreed in favour of the respondent/landlord on 12.06.2014. After the



respondent succeeded in the above R.C.O.P., he filed E.P.No.63 of 2014, wherein delivery was ordered in the presence of Court Amin.

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3.It is the case of the petitioner that due to outbreak of Covid-19 Pandemic during the year 2020, he was unable to take delivery of the valuables namely, the Gold Coverings, in which, the petitioner trades and therefore, seeking a direction to the respondent/custodian to produce the movables as per the inventory list filed by the Court Amin on 13.02.2020, the petitioner filed E.A.No.7 of 2021 under Order XXI Rule 43-A(2) of C.P.C.

4.It is submitted that the District Munsif Court, Theni, has erred in directing the petitioner to pay a sum of Rs.64,000/-. It is submitted that the rent for the period between March 2020 upto the date of filing of E.A.No.7 of 2021 *i.e.*, on 26.07.2021, is liable to be excluded. It is submitted that the District Munsif Court, Theni, has failed to note, at best, it could be only 19 months rent, that is to be paid on account of usage of the rented premises by the petitioner. Therefore, it is submitted that the petitioner may be directed to deposit 75% of the amount before the District Munsif Court, Theni, for taking delivery of the movables, as per the inventory list filed by the Court Amin on 13.02.2020 or in alternative, he may be directed to deposit the rent for 19 months instead of 29 months.



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5.The offer of the petitioner was misconceived by the learned District Munsif, Theni, as the rent at the rate of Rs.2,000/- per month from 13.02.2020 to 13.09.2021 would be only for 19 months and not 29 months. Consequently, instead of Rs.58,000/-, the amount should be paid only Rs.38,000/-.

6.Considering the above, I am inclined to allow this Civil Revision Petition *in limine* by directing the petitioner to deposit a sum of Rs.45,000/- before the District Munsif Court, Theni. On such deposit being made by the petitioner, the learned District Munsif, Theni, shall pass appropriate orders after giving due notice to the respondent, for enabling the petitioner to take custody of the Gold Coverings, which were left out by the petitioner in the premises as per the inventory list filed by the Court Amin on 13.02.2020.

7.This Civil Revision Petition stands allowed with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
smn2

27.04.2023

To

The District Munsif,
Theni.



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C.SARAVANAN, J.

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Order made in
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27.04.2023