



C.R.P(MD)No.1056 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2023

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1056 of 2023

and

C.M.P(MD)No.4969 of 2023

Kumaran Silks
A Firm represented by its Partner,
Sri.D.K.Sridharan,
S/o.D.G.Krishnan,
Door No.3, Venkalakadai Street,
Madurai-625001.

...Petitioner/Tenant

Vs.

S.L.Babulal

... Respondent/Landlord

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the judgment and decree dated 22.12.2022 in I.A.No.73 of 2022 in C.M.ANo.64 of 2021 against R.L.T.O.P.No.46 of 2019 on the file of the VI Additional District Court, Madurai.

For Petitioner : Mr.T.M.Lankaram

For Respondent : Mr.R.Parthiban

ORDER

The present civil revision petition has been filed against the judgment and decree, dated 22.12.2022 in I.A.No.73 of 2022 in



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C.M.A.No.64 of 2021 against R.L.T.O.P.No.46 of 2019 on the file of the
VI Additional District Court, Madurai.

2. The petitioner is the unsuccessful tenant in R.L.T.O.P.No.46 of 2019 filed by the respondent/landlord. R.L.T.O.P.No.46 of 2019 was filed on 10.06.2019, which was allowed by the Principal District Munsif Court, Madurai, on 22.06.2020.

3. Aggrieved by the same, the petitioner has filed C.M.A.No.64 of 2021 before the VI Additional District Court, Madurai on 21.10.2021. It appears that there was a delay, which was condoned, pursuant to which the appeal was numbered as C.M.A.No.64 of 2021. In the said proceeding, the petitioner has filed I.A.No.73 of 2022 to stay the operation of the order, dated 22.06.2020 passed by the Principal District Munsif Court, Madurai in R.L.T.O.P.No.46 of 2019. By the impugned order, the VI Additional District Court, Madurai has dismissed the stay petition filed by the petitioner with the following observations:

"7. The affidavit averments and counter averments all are perused carefully. The respondent counsel argued that the lower Court records received and ready for main case itself and further argued that if the stay granted the appellant will not conduct the main case. On careful perusal records available and notes papers. The lower Court records already have been received and



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the same is posted for arguments. Therefore this stay petition is dismissed.

In the result, this petition is dismissed."

4. The petitioner is aggrieved by the impugned order as also by the consequential execution proceedings initiated by the respondent in E.P.No.31 of 2021. It is submitted that the provisions of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, which came into force only on 22.02.2019 and therefore, the period of 575 days is available for the parties to enter into an agreement of tenancy where no agreement in writing was entered into between the landlord and the tenant. It is submitted that the proceedings for evicting the petitioner was initiated within a period of 107 days of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 coming into force on 10.06.2019 and that the proceedings were premature, which was wrongly allowed by the Rent Court.

5. It is submitted that in view of the order passed by the Principal District Munsif Court, Madurai allowing R.L.T.O.P.No.46 of 2019 on 22.06.2020, the petitioner is facing the threat of eviction pursuant to



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E.P.No.31 of 2021 and that order are likely to be passed on 24.04.2023.

The petitioner's appeal in C.M.A.No.64 of 2021 will be rendered new gateway and infructuous.

6. The learned counsel for the respondent would submit that though the appeal was filed belatedly before the VI Additional District Court, Madurai, the petitioner did not take any steps for conducting the appeal before V Additional District Court, which was holding charge on account of the vacancy of the Judicial Officer in the VI Additional District Court. It is submitted that the petitioner was responsible for the delay and therefore, the petitioner cannot seek for any interference. The impugned order was passed on 22.12.2022 and four adjournments have been sought for by the learned counsel for the petitioner.

7. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondent.

8. I am of the view that the petitioner's appeal in C.M.A.No.64 of 2021 cannot be allowed to be rendered infructuous. If orders are passed in E.P.No.31 of 2021, which is likely to be disposed of on 24.04.2023, the petitioner's appeal will be rendered otiose. The petitioner



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may have a case as per Section 4 (2) of the Act. However, these are matters to be decided by the appellate Court.

9. Considering the fact that the appeal has been numbered and listed for hearing, I direct the VI Additional District Court, Madurai or any other additional Court holding charge to dispose of the same as expeditiously as possible preferably within a period of three months from the date of receipt of copy of this order. Pending further orders in C.M.A.No.64 of 2021, execution proceedings in E.P.No.31 of 2021 before the Additional District Munsif Court, Madurai shall be kept in abeyance. It is made clear that the petitioner shall not take adjournments before the Appellate Court in C.M.A.No.64 of 2021.

10. The present Civil Revision Petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

19.04.2023

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

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



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C.SARAVANAN,J.

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