



C.R.P(MD)No.1133 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **13.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1133 of 2023

T.Gurusamyraja

...Petitioner/Petitioner/Respondent/Respondent

Vs.

T.S.Ganesaraja

...Respondent/Respondent/Petitioner/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 11.04.2023 in numbered the unnumbered E.A.No...../2023 in E.P.No.1 of 2022 in R.L.T.O.P.No.43 of 2019 on the file of the learned Rent Control Tribunal Cum District Munsif Court, Rajapalayam.

For Petitioner : Mr.V.R.Shanmuganathan
For Respondent : Mr.S.I.Muthiah

ORDER

This petition has been filed to set aside the order the unnumbered E.A.No...../2023 in E.P.No.1 of 2022 in R.L.T.O.P.No.43 of 2019 dated 11.04.2023, on the file of the learned Rent Control Tribunal Cum District Munsif Court, Rajapalayam.



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4.The petitioner is the unsuccessful respondent in R.T.L.O.P.No. 43 of 2019 filed by the respondent herein under Section 10(2)(i) and 10(3)(a)(iii) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. The petitioner has also filed R.T.L.O.P.No.42 of 2019 for depositing the rent under Section 8(5) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 and while the respondent has also filed R.T.L.O.P.No.44 of 2019 for fixation of fair rent under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. The Rent Control Court namely, the District Munsif Court, Rajapalayam has disposed of R.T.L.O.P.No.43 of 2019, evicting the petitioner for wilful default and for owner's occupation, by its fair and decretal order dated 26.11.2021.

5.Aggrieved by the same, the petitioner herein has filed R.C.A.No. 9 of 2021 before the Sub Court, Srivilliputhur as the Rent Control Appellate Court. In the said proceedings, the petitioner has also filed unnumbered I.A.No.1 of 2022 to stay the execution proceedings, pursuant to the fair and decretal order dated 26.11.2021, in R.T.L.O.P.No.43 of 2019 as the respondent has filed E.P.No.1 of 2022. Both the petitioner and the respondents had earlier filed C.R.P.(MD)Nos.



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1469 of 2022 and 1983 of 2022. This Court passed the following order on 29.09.2022, in the respective civil revision petitions filed by the petitioner and the respondent herein with the following observation:-

“Considering the submissions made by either side counsel and in order to give a quietus to this issue and also taking into consideration of the fact that the tenant is running a shop in the subject property, there shall be an order of interim injunction for implementing the order passed by the trial Court in R.L.T.O.P.No.43 of 2019, for a period of eight weeks from the date of receipt of a copy of this order, enabling the parties to work out their remedy before the first Appellate Court in R.C.A.No.9 of 2021 filed by the tenant. The first Appellate Court after hearing both sides shall endeavour to dispose of the appeal in R.C.A.No. 9 of 2021 at the earliest possible time.”

6.The Execution Court namely, the District Munsif Court, Rajapalayam has refused to number I.A. filed by the petitioner in E.P.No. 1 of 2022 to stay the proceedings on the grounds that the time fixed by the Court, by its order dated 29.09.2022, has already expired.

7.The learned counsel for the petitioner would submit that this Court has also directed the learned Sub Judge, Srivilliputhur to dispose



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of R.C.A.No.9 of 2021. The learned counsel for the petitioner would further submit that the petitioner has been taking time in R.C.A.No.9 of 2021 and therefore, the Execution Court has to exercise its discretion not numbering the E.A., which was filed to stay the proceedings in E.P.No.1 of 2022.

8.Be that as it may, at the time of admission and granting interim relief, this Court also directed the learned Sub Judge, Srivilliputhur to dispose of R.C.A.No.9 of 2021. It was informed that the enquiry in R.C.A.No.9 of 2021 has commenced and the case is listed on 22.06.2023 for arguments of the petitioner, who is appellant therein.

9.Considering the fact that the appeal is ready and ripe for hearing on 22.06.2022, this Court is inclined to dispose this Civil Revision Petition by directing the learned Sub Judge, Srivilliputhur to dispose R.C.A.No.9 of 2021 within a period of four weeks from 22.06.2022. Pending disposal of R.C.A.No.9 of 2021, the execution proceedings shall be kept in abeyance all other proceedings initiated by the respondents subject to the order to be passed in R.C.A.No.9 of 2021.



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

13.06.2023

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

To

1.The Sub Judge, Srivilliputhur.

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

Mrn

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