



C.R.P(MD)No.1665 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1665 of 2022
and
C.M.P(MD)Nos.2262 and 7307 of 2022

S.Manonmani

...Petitioner/Petitioner/
Respondent

Vs.

1.T.Rajkumar

2.T.Murugesan
Through their power Agent,
A.S.Muthu,
S/o.Arumugam,
Door No.30, Sannathi Street,
Krishnankovil,
Nagercoil,
Kanyakumari District.

...Respondents/Respondents/
Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 24.03.2022 passed in I.A.No.3 of 2021 in R.L.T.O.P.No.8 of 2020 on the file of the learned Rent Controller (I Additional District Munsif Court), Tirunelveli.



WEB COPY



C.R.P(MD)No.1665 of 2022

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.S.Suresh Manickam

ORDER

The present Civil Revision Petition has been filed against the fair and decreetal order dated 24.03.2022 passed in I.A.No.3 of 2021 in R.L.T.O.P.No.8 of 2020 on the file of the learned Rent Controller (I Additional District Munsif Court), Tirunelveli.

2. The petitioner is the respondent in R.L.T.O.P.No.8 of 2020 before the Rent Control Tribunal, namely, I Additional District Munsif Court, Tirunelveli. The above proceeding has been initiated by the respondents to evict the petitioner for failing to pay the arrears of rent from the year 2018. In the said proceeding, the petitioner was set *ex parte* on 17.12.2020.

3. Under these circumstances, the petitioner filed I.A.No.2 of 2021 to condone the delay in filing I.A.No.3 of 2021 for setting aside the order setting the petitioner *ex parte* on 17.12.2020. I.A.No.2 of 2021 was allowed. However, the I Additional District Munsif Court, Tirunelveli



C.R.P(MD)No.1665 of 2022

dismissed the I.A.No.3 of 2021 to set aside the *ex parte* order dated 17.12.2020 setting the petitioner *ex parte*.

4. The learned counsel for the respondents submits that the petitioner is in arrears of rent and has not paid the arrears of rent and as on the date of R.L.T.O.P.No.8 of 2020, the petitioner was in arrears of rent of Rs.2,50,000/-. It is further submitted that the petitioner has also not paid the rent whenever the respondents power of attorney demanded the rent. Hence, he prayed that the present civil revision petition is liable to be dismissed.

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

6. At the time of admission of the present civil revision petition, this Court has passed an interim order, dated 17.08.2022 by directing the petitioner to pay a sum of Rs.1,31,800 to the credit of R.L.T.O.P.No.8 of 2020. It was complied by the petitioner on 06.09.2022. The petitioner deserves a fair chance to defend herself in R.L.T.O.P.No.8 of 2020. However, the petitioner shall deposit the admitted rent for the entire



C.R.P(MD)No.1665 of 2022

period in dispute till 30.06.2023 and thereafter. The petitioner shall pay the admitted rent within a period of four weeks from the date of receipt of copy of this order. Subject to such payment of rent as on 30.06.2023 and reporting compliance thereof before the I Additional District Munsif Court, Tirunelveli, R.L.T.O.P.No.8 of 2020 shall be taken up for hearing. Consequently, I.A.No.3 of 2021 filed by the petitioner shall stand allowed on reporting such compliance. The I Additional District Munsif Court, Tirunelveli shall dispose of the R.L.T.O.P.No.8 of 2020 as expeditiously as possible preferably within a period of 2 months thereafter.

7. The present Civil Revision Petition stands allowed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

13.06.2023

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

sn

Note: Issue order copy on 14.06.2023



C.R.P(MD)No.1665 of 2022

WEB COPY

- To
- 1.The I Additional District Munsif Court,
Tirunelveli
 - 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.1665 of 2022

C.SARAVANAN,J.

SN

C.R.P(MD)No.1665 of 2022

13.06.2023