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C.R.P(MD)No.1615 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

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**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1615 of 2023

R.Kumar Muthiah

... Revision Petitioner/Petitioner

Vs.

1.S.Jeyapal

2.S.Sugumar

3.M.Ramasamy

4.S.Vinod Kumar

... Respondents/Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Additional District Munsif, Madurai Town to dispose in E.P.No.58/2022 within the stipulated time fixed by this Court.

For Petitioner

:Mrs.N.Juliet Latha



ORDER

This revision is preferred by the petitioner for a direction to the Additional District Munsif, Madurai Town to dispose in E.P.No.58/2022 within the stipulated time fixed by this Court.

2.The said RCOP was filed on two grounds one for wilful default and another ground for own occupation against the respondents.

3.According to the revision petitioner, the respondents/tenants has defaulted in payment of rent for a sum of Rs.5,40,000/- as on 14.12.2021. Therefore, the petitioner has filed an application under Section 11(4) of Tamil Nadu Building (Lease and Rent) Control Act, 1960, wherein, the Rent Controller has passed an order directing the respondents/tenants to pay the arrears of rent ie., a sum of Rs.5,40,000/- on or before 14.12.2021 and posted the case for compliance on 15.12.2021.

4.It is further stated that the above order was not complied by the respondents/tenants. Hence, the learned Rent Controller, passed an order of eviction in the said application. Thereafter, the petitioner filed an application in E.P.No.58 of 2022 before the Additional District Munsif Court, Madurai, for executing the decree passed in the above RCOP. The



first hearing date was on 23.04.2022 for appearance of the respondents.

Except the second respondent, respondents 1, 3 and 4 remained ex-parte and ex-parte order was passed against them and the case was posted on 28.06.2022. Again the matter was adjourned for several hearings till 24.11.2022.

5.On 24.11.2022 the second respondent filed an application in E.A.No.297 of 2022 to stay the EP proceedings stating that no notice was served on him with regard to the stay application. The revision petitioner also stated that an appeal is preferred against the order passed in RCOP No. 157 of 2018 before the Principal Subordinate Judge, Madurai. However, no memo was filed in this regard by the respondents. The proceedings are dragged on by the respondents by filing as many applications in order to defeat the claim of the petitioner. Hence, the above revision petition is preferred by the petitioner for a direction to direct the Court below to dispose the E.P.No.58 of 2022 within the time stipulated by this Court.

6.Considering the arguments put-forth by the learned counsel for the petitioner and on perusal of records, it is seen that the E.P proceedings have been dragged on without any reasonable cause. Even for filing counter by the second respondent, the matter was adjourned for more than six months



without recording any reason by the Court below for granting such adjournments to the second respondents.

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7.Considering the facts and circumstances of the case, this Court directs the Additional District Munsif, Madurai, to dispose the E.P.No.58 of 2022 on merits and in accordance with law, without giving any unnecessary adjournments, after affording sufficient opportunities to the parties concerned to put-forth their contentions, within a period of two months from the date of receipt of a copy of this order.

8.With the above direction, this Civil Revision Petition is disposed of.

No costs.

17.07.2023

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

- 1.The Additional District Munsif,
Madurai Town.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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