



C.R.P.(MD) No.1660 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1660 of 2023

and

C.M.P.(MD) No.8285 of 2023

R.Ravi

... Petitioner

Vs.

V.K.Venkatachalam Reddiar

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Rent Control Appellate Authority (Subordinate Judge), Tuticorin, to dispose the stay petition in I.A.No.2 of 2022 in R.L.T.A. No.1 of 2022 on the file of the Rent Control Appellate Court (Subordinate Court), Tuticorin, within a time frame.

For Petitioner : Mr.Ananth C.Rajesh

ORDER

This Civil Revision Petition is preferred by the petitioner for early disposal of stay petition in I.A.No.2 of 2022 in R.L.T.A. No.1 of 2022 pending on the file of the Rent Control Appellate Court (Subordinate Court), Tuticorin, within a time frame. This Civil Revision Petition has been filed only for early disposal of a stay petition, the notice for the respondent is dispensed with.



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2. The petitioner is the respondent in R.L.T.O.P.No.13 of 2021. The said R.L.T.O.P. was filed by the respondent herein on the grounds of willful default of rent and claim of own occupation. The Rent Control Court has rejected the claim of non-payment of rent, while so, allowed the claim of own occupation *vide* order dated 27.06.2022. Challenging the same, the petitioner preferred an appeal before the Rent Control Appellate Court (Subordinate Court) in R.L.T.A.No.2 of 2022.

3. The petitioner has moved an application before the Rent Control Appellate Court in I.A.No.2 of 2022 in R.L.T.A.No.1 of 2022 for grant of a stay of operation of order dated 27.06.2022 passed by the Rent Control Court in R.L.T.O.P.No.13 of 2021.

4. According to the petitioner, though the respondent has entered appearance in the above appeal, he has not filed any counter affidavit with an intention to drag on the proceedings. Meanwhile, the respondent filed an execution petition in E.P.No.45 of 2022 before the Execution Court.

5. The learned counsel for the petitioner submits that if any order is passed in the E.P. by the Execution Court, the petitioner would be faced with



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great hardship and the purpose of filing the above stay petition in I.A.No.2 of 2022 in R.L.T.A.No.1 of 2022 would be defeated. It is submitted that, the Rent Control Appellate Court without passing any order in the stay petition is keeping it pending the said stay petition for more than a year and the petitioner therefore was constrained to file the present Civil Revision Petition for early disposal of the stay petition.

6. Considering the facts and circumstances of the case, the Rent Control Appellate Court (Subordinate Court), Tuticorin is directed to dispose of I.A.No.2 of 2022 filed by the petitioner in R.L.T.A. No.1 of 2022, by affording sufficient opportunities to the parties to put forth their contentions, within a period of one month from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is disposed of with the above direction. No cost. Consequently, connected Miscellaneous Petition is closed.

13.07.2023

NCC :Yes/No
Internet: Yes/No
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K.GOVINDARAJAN THILAKAVADI, J.

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To
The Rent Control Appellate Court
(Subordinate Court), Tuticorin.

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