



C.R.P.(MD) Nos.2321 & 2363 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2023

CORAM

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

C.R.P.(MD) Nos.2321 & 2363 of 2023

B.Manoharan

... Petitioner in
both C.R.Ps.

Vs.

S.Suyamburaja

... Respondent in
both C.R.Ps.

Prayer in C.R.P.(MD) No.2321 of 2023:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records in R.C.O.P.No.95 of 2018 on the file of the Additional Rent Controller, Madurai Town and direct the Trial Court to dispose of the petition in accordance with law within a period that may be stipulated by this Court.

Prayer in C.R.P.(MD) No.2363 of 2023:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records in R.C.O.P.No.104 of 2018 on the file of the Rent Controller (Additional District Munsif), Madurai Town and direct the Trial Court to dispose of the petition within a period that may be stipulated by this Court.

For Petitioner
in both C.R.Ps. : Mr.P.Subbiah



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COMMON ORDER

By this common order, both these Civil Revision Petitions are being disposed of.

2. These Civil Revision Petitions have been filed by the petitioner for speedy disposal of R.C.O.P.No.95 & 104 of 2018 on the file of the Additional Rent Control Court (Additional District Munsif Court), Madurai Town.

3. Since these Civil Revision Petitions filed by the petitioner are only for speedy disposal of R.C.O.Ps., notice for the respondent is not required and is therefore dispensed with.

4. According to the petitioner, he filed R.C.O.P.No.95 of 2018 before the Additional Rent Control Court (Additional District Munsif Court), Madurai Town on the ground of wilful default for non-payment of monthly rent from February, 2018. After receipt of the notice in the eviction petition, the respondent filed R.C.O.P.No.104 of 2018 before the Principal Rent Control Court (Principal District Munsif Court), Madurai Town for adjustment of advance amount alleged to have been given by the respondent to the



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petitioner's father, towards monthly rent of the premises till the month of April,

2029.

5. It is submitted that in R.C.O.P.No.104 of 2018, the petitioner appeared on 10.08.2018 and filed counter affidavit on 13.12.2018. During the pendency of R.C.O.P.No.104 of 2018, the petitioner filed a memo stating that the Rent Control Court has no jurisdiction to adjust the advance amount towards rent for the future periods. When the said memo was pending for enquiry, the respondent filed I.A.No.93 of 2021 for amendment of the prayer in the said R.C.O.P. by adding an alternative prayer for a direction to the petitioner/landlord to re-pay the balance amount to the respondent/tenant by keeping one month rent as advance. The said I.A was allowed on 06.01.2022 and thereafter, the petitioner filed his additional counter affidavit on 24.02.2022.

6. It is submitted that at stage of part heard, the respondent filed a petition before the Principal District Court, Madurai, for transfer of the R.C.O.P.No.104 of 2018 from the Principal Rent Control Court to the Additional Rent Control Court, in the guise of joint trial. The said Transfer Petition was ordered on 18.08.2022. It is submitted that till such time, trial was



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stopped in both the case. It is further submitted that since both the rent control petitions were already in part heard stage, no joint trial was feasible and as such simultaneous trial was undertaken.

7. It is submitted that both the petitions are pending at the stage of trial. The respondent is dragging on the proceedings by getting unnecessary adjournments with *malafide* intention and both the rent control proceedings are pending for more than 5 years. It is further submitted that taking advantage of the same, the respondent has not paid the rent from the month of February, 2018 i.e. for the past 5 ½ years. Therefore, the petitioner was constrained to approach this Court for speedy disposal of both R.C.O.Ps.

8. Considering the facts and circumstances of the case, the learned Additional Rent Controller (Additional District Munsif), Madurai Town is directed to expedite the trial and dispose R.C.O.P.No.95 & 104 of 2018 filed by the petitioner and the respondent respectively, without giving any unnecessary adjournments, by affording sufficient opportunities to the parties to put forth their contentions, expeditiously, within a period of 4 months from the date of receipt of a copy of this order.



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WEB COPY 9. Accordingly, these Civil Revision Petitions are disposed of. No cost.

15.09.2023

Internet : Yes/No

NCC : Yes/No

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To

The Additional District Munsif,
(Additional Rent Controller),
Madurai Town.



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K.GOVINDARAJAN THILAKAVADI, J.

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