



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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Friday, the Eighth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD)No.12220 & 12223 of 2023
in
CRP(MD)Nos.1594 &1596 of 2022

1. S.K. Soundar ... Petitioner/Petitioner in CMP(MD)No.12220/2023
- 1.Prisilla Manoranjeetham ... Petitioner/Petitioner in CMP(MD)No.12223/2023
2. Jeyapal ...2nd Petitioner/Petitioner in both cases

Vs

1. Ramakkani ... Respondent/Respondent in CMP(MD)
No.12220 & 12223/2023
- 2.Vasantha ... 2nd Respondent in in CMP(MD)No.12223/2023

Prayers in CMP(MD)Nos.12220 & 12223 /2023:-

This Civil Miscellaneous petition is filed under section 148 of C.P.C.,to pass an order extending the time for vacating the premises by ten months.

Prayer in CRP(MD). 1594/ 2022 :

This Civil Revision Petition is filed under Section 25 of the TN Buildings (Lease and Rent) Control Act to pass an order setting aside the fair and executable order

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dated 12/03/2019 passed in R.C.A. No. 4 of 2016 on the file of Subordinate Court cum Rent Control Appellate Authority, Valliyoor confirming the fair and executable order dated 14/09/2016 passed in R.C.O.P. No. 3 of 2011 on the file of Principal District Munsif Court cum Rent Controller, Valliyoor and dismiss the eviction petition.

Prayer in CRP(MD). 1596/ 2022 :

Civil Revision Petition filed under Section 25 of Tamilnadu Buildings (Lease and Rent Control) Act, 1960 as amended by Act 1 of 1980, to pass an order setting aside the fair and executable order dated 12-03-2019 passed in R.C.A.No.3 of 2016 on the file of the Subordinate Court cum Rent Control Appellate Authority, Valliyoor confirming the fair and executable order dated 14-09-2016 passed in R.C.O.P.No.2 of 2011 on the file of the Principal District Munsif Court cum Rent Controller,Valliyoor and allow the same.

ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.R.Jeyapalam, Advocate for the Petitioners and of Mr.K.P.Narayana Kumar, Advocate for the respondent, this Court made the following order:

The petitioners have filed these petitions seeking extension of time for vacating the premises by another ten months.



2. The petitioners are tenants of the respondents. The respondents/landlords have initiated Rent Control Proceedings in the year 2011 in R.C.O.P.Nos.2 and 3 of 2011 before the Principal District Munsif cum Rent Controller, Valliyoor. The Rent Controller, by orders dated 14.09.2016, allowed the said proceedings and directed the petitioners to vacate the premises within a stipulated time. As against that orders, the petitioners have filed appeals before the Appellate Authority in R.C.A.Nos.3 and 4 of 2016. The Rent Control Appellate Authority, Valliyoor, has also confirmed the orders of the Rent Controller dated 12.03.2019. Against the same, the petitioners/tenants have filed revision petitions in CRP(MD)Nos.1594 and 1596 of 2022. This Court was not inclined to entertain these Civil Revision Petitions on the grounds raised therein. Therefore, a request has been made on behalf of the petitioners/tenants to provide some breathing time to the petitioners to find out an alternative place to vacate the premises. The petitioners have also filed an undertaking affidavit before this Court that they will vacate the premises on or before 10.08.2023.

3. In view of the undertaking affidavit filed by the petitioners and also considering the fact that the petitioners were running establishments in the petition mentioned premises, this Court, by order dated 02.09.2022, disposed of the revision petitions with a liberty to the petitioner to vacate the premises and hand over the same to the landlords on or before 10.08.2023 and also directed the petitioners to pay the rent to the landlords till the date of vacating the premises without any default.



4. The petitioners have now filed these applications on 13.09.2023 seeking extension of time by another 10 months. The petitioners have not taken any steps to comply with the undertaking given by them before this Court in Civil Revision Petitions and in order to evade to vacate the premises, they have filed these petitions on 13.09.2023 seeking further time of ten months.

5. A perusal of records would reveal that the petitioners are dragging on the proceedings from the year 2011. When this Court was not inclined to entertain these Civil Revision Petitions, the petitioners have come forward with an affidavit of undertaking that they will vacate the premises on or before 10.08.2023. Based on the undertaking given by the petitioners only, this Court has disposed of Civil Revision Petitions on 02.09.2022. The petitioners, having agreed so, have not acted upon the undertaking given before this Court and also filed these applications seeking extension of further time of ten months without assigning any valid reasons. Further, the learned counsel for the respondent submits that the petitioners have also not paid the rent even after the orders of this Court in the Civil Revision Petitions.

5. Considering the conduct of the petitioners, these petitions are dismissed with costs of Rs.25,000/- each to be paid by the petitioners to the respondents/landlords, within a period of four weeks from the date of receipt of a copy of this order.



6. Post the matter after four weeks for reporting compliance.

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Sd/-

Assistant Registrar(CS III)

// True Copy //

/12/2023

Sub Assistant Registrar(CS)

TO

- 1.The Subordinate Judge cum Rent
Control Appellate Authority,Valliyoor.
- 2.The Principal District Munsif
Court cum Rent Controller, Valliyoor.
- 3.Ramakkani,
S/o.Chidambara Nadar,
Door No.621A,Thisaiyanvilai Main Road,
Radhapuram Taluk,Tirunelveli District.
- 4.The Section Officer,Judicial Section,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 08/12/2023

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ORDER

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CMP(MD)Nos.12220 & 12223 of
2023

in

CRP(MD)Nos.1594 & 1596 of 2022

Giving direction and etc.
as stated within.

MGJ(22.12.2023) 5P 5C

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17.07.2023