



CRP(PD)(MD)No.2541 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.2541 of 2022

1.Dhilipkumar

2.Leela Devi

... Petitioners

Vs

J.Mallika

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to issue a direction to the learned Rent Control Appellate Authority cum Principal Sub Judge, Tiruchirappalli to dispose of I.A.No.1 of 2022 in R.C.A.No.11 of 2022, within the stipulated period.

For Petitioner : Mr.R.Sundar

For Respondent : Mr.H.Lakshmi Shankar

ORDER

This Civil Revision Petition is filed for an early disposal of I.A.No.1 of 2022 in R.C.A.No.11 of 2022, on the file of the learned Principal Sub Judge, Tiruchirappalli/Rent Control Appellate Authority within the time fixed by this Court.

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2.The case of the petitioners is that the respondent/landlord filed R.C.O.P.No.106 of 2014 as against the petitioners for eviction and for payment of arrears of rent and the same was allowed, against which, the petitioners preferred R.C.A.No.11 of 2022, before the Appellate Authority/Principal Subordinate Judge, Tiruchirappalli. Pending the appeal, the petitioners filed an application in I.A.No.1 of 2022, under Section 23(2) of Tamil Nadu Buildings (Lease and Rent Control) Act 1960, to stay all further proceedings of the fair and decreetal order passed in R.C.O.P.No.106 of 2014, dated 06.10.2021. The grievance of the petitioner is that the first Appellate Court has not taken up the interlocutory application for disposal. Taking advantage of the same, the respondent/landlord has filed an application for execution before the I Additional District Munsif Court, Tiruchirappalli in E.P No.3 of 2022. Hence, a suitable direction may be issued to the first Appellate Court to dispose of the application in I.A.No.1 of 2022 at the earliest.



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3.The learned counsel appearing for the respondent/landlord undertakes that the respondent/landlord will not press the Execution proceedings.

4.Considering the submissions made by either side counsel and also taking into consideration of the limited prayer sought for by the petitioners, this Court is of the view that instead of issuing direction to the first Appellate Court to dispose of the application in I.A.No.1 of 2022, this Court deems it fit to direct the first Appellate Authority to dispose of R.C.A.No.11 of 2022 within the time frame.

5.Accordingly, this Civil Revision Petition is disposed of with a direction to the learned Principal Sub Judge, Tiruchirappalli/ Rent Control Appellate Authority to dispose of R.C.A.No.11 of 2022,



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within a period of three months from the date of receipt of a copy of this order. No costs.

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Index : Yes / No.

Internet : Yes / No.

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To

The Principal Sub Judge/ Rent Control Appellate Authority, Trichy.



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B.PUGALENDHI, J.

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Order made in
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