



CRP(MD)No.2582 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(MD)No.2582 of 2022

and

CMP(MD)No.12688 of 2022

M.B.Ramakrishnan

... Petitioner

versus

M.Rukmaniammal (died)

1. S.Amma Pillai

2. Dhanalakshmi @ Dhanam

3. Solaiammal

4. Yosothiammal @ Kuttiammal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the fair and decreetal order dated 28.09.2022 passed in R.C.A.No.55 of 2014 on the file of the learned Principal Subordinate Judge (Rent Control Appellate Authority), Madurai.

For Petitioner : Mr.M.Kannan



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ORDER

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This Civil Revision Petition is filed as against the order dated 28.09.2022 passed in R.C.A.No.55 of 2014 by the learned Principal Subordinate Judge (Rent Control Appellate Authority), Madurai, confirming the order dated 15.07.2014 passed by the Additional Rent Controller (learned Additional District Munsif), Madurai, in R.C.O.P.No.253 of 2012.

2. The learned counsel appearing for the petitioner submits that the petitioner is the tenant. The respondents had already filed an eviction petition in R.C.O.P.No.16 of 2009 against the petitioner before the Principal District Munsif Court, Madurai, which was dismissed on 08.06.2012. The petitioner has also filed a suit in O.S.No.1011 of 2007 and obtained a decree of injunction not to evict him without following due process of law. Thereafter, the respondents have refused to receive the rent, the petitioner filed a petition in R.C.O.P.No.34 of 2009 for depositing the rent, which was allowed on 04.06.2009 and the



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petitioner has also deposited the rent without any default. Suppressing the said fact, the respondents filed another eviction petition in R.C.O.P.No.253 of 2012 before the Additional Rent Controller (Additional District Munsif Court), Madurai Town, on the ground of willful default and own use and occupation, which was allowed on 15.07.2014. As against the same, the petitioner filed R.C.A.No.55 of 2014 before the Rent Control Appellate Authority (learned Principal Subordinate Judge), Madurai, which was partly allowed on 28.09.2022 and immediately thereafter, he filed this Civil Revision Petition on 06.12.2022, however, it was listed only in the month of January 2023. In the meantime, the respondents/landlords filed Execution Petition before the trial Court and the trial Court has also passed an order of delivery on 11.01.2023 and posted the matter on 20.03.2023.

3. The learned counsel appearing for the petitioner further submits that the petitioner is running his garlic business in the petition mentioned premises for more than 30 years. Further, he is under the



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impression that the Civil Revision Petition would be admitted on the grounds raised in support of this petition and therefore, he has not made any alternative arrangements. Hence, he requests this Court to grant him some reasonable time to find out an alternative place to shift his business. He has also filed an undertaking affidavit to vacate the premises within the time to be stipulated by this Court.

4. Though this Court is not inclined to entertain the Civil Revision Petition on the grounds raised in support of this petition, considering the request made by the petitioner that since he is running his business in the premises for more than 30 years and in order to find out an alternative place to shift his business, he requires some reasonable time to vacate the premises, this Court is inclined to grant four months' time to vacate the premises and hand over the possession to the respondents/landlords.



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5. Accordingly, the Civil Revision Petition is disposed of with a direction to the petitioner to vacate the premises and hand over the possession to the respondents/landlords on or before **20.05.2023**. The petitioner shall pay the rent to the landlords till the date of vacating the premises without any default. No costs. Consequently, connected miscellaneous petition is closed.

23.01.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The learned Principal Subordinate Judge,
Madurai.
2. The learned Additional District Munsif,
Madurai.
3. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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