



Crp No.213 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 21.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP No.213 of 2024

S.K.Balasingam

... Petitioner

Vs.

M/s Royal Churidhar and Royal Dresses
rep. by Proprietrix Mrs.Phousia
w/o late Mr.Sahul Hameed,, New No.57,
Old No.26, Purasawalkam High Road,
Chennai 600 007.

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to direct the learned XV Judge, Small Causes Court, Chennai to dispose of the pending petition in RLOP No.403/2020, within a time frame.

For Petitioner : Mr. R.Karthikeyan

ORDER

This Civil Revision Petition has been filed to direct the learned XV Judge, Small Causes Court, Chennai to dispose of the pending petition in RLOP No.403/2020, within a time frame as fixed by this Court.

2. The petitioner herein is the landlord and the respondent herein is the



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tenant. The petitioner has filed the above said RLTOP No.403/2020 for eviction. According to the petitioner, he is aged about 79 years and the respondent, with intent to protract the proceedings, filed applications after applications. As per Section 34(6) of Tamilnadu Regulation of Rights and Responsibilities of Landlord and Tenant Act, 2017, the matter ought to have been decided within 90 days from the date of filing, but without any reasonable ground, the Rent Court is granting long adjournments. Hence, this civil revision petition has been filed.

3. On perusal of records, it reveals that on 27.01.2021, the petition was adjourned to file counter affidavit on 26.02.2021. Subsequently, counter was filed on 18.03.2021 and thereafter, it is pending for enquiry, in the meanwhile, interlocutory applications were filed and pending. In such circumstances, the learned counsel for petitioner seeks direction of this court to the Rent Court to dispose of the RLTOP No.403/2020, within a time framed.

4. At this juncture, it is worthwhile to note that the ***Hon'ble Supreme Court in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharashtra*** has dismissed the writ petition, by



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observing as follows.

“ We are of the view that since every High Court and every Court in the country has a huge pendency, the Constitutional Court should avoid temptation of fixing a time-bound schedule for disposal of any case, before any court, unless the situation is extra ordinary.”

5. Further, pursuant to the direction of this Court, the Registry, on verification through e-filing, has reported that the total pendency of the cases in the above Court is 6946.

6. Though the above RLTOP is pending from the year 2020 and also as per the New Act, time frame is fixed for disposing the RLTOP cases, Considering the total pendency of the cases in the XV Small Causes Court, Chennai, this court is not inclined to fix a time frame for disposal of the above petition, except to give a direction to dispose of the case, as early as possible.

7. Accordingly, the learned XV Judge, Small Causes Court, Chennai is directed to dispose of the RLTOP No.403/2020, as early as possible.

8. With the above direction, the Civil Revision Petition is dismissed.

No costs.



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Index: Yes/No
Internet: Yes/No
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To

The XV Judge, Small Causes Court, Chennai.



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V.SIVAGNANAM, J.

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