



WEB COPY



C.R.P.D.Nos.1600 and 1601 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.D.Nos.1600 and 1601 of 2024

R.Punnaippan

... Petitioner in both CRPs

Vs.

G.Ravi

... Respondent in both CRPs

PRAYER: Revisions filed under Article 227 of the Constitution of India praying to set aside the Order and Decretal order dated 28.03.2024 and made in I.A.Nos.2 and 3 of 2023 in O.S.No.6451 of 2023 on the file of the learned XI Assistant City Civil Judge, Chennai.

For Petitioner : Mr.M.Rajasekar

COMMON ORDER

These two revisions arise against the common order passed by the learned XI Assistant Judge, City Civil Court at Chennai in I.A.No.2 of 2023 and I.A.No.3 of 2023. I.A.No.2 of 2023 was filed for directing the



C.R.P.PD.Nos.1600 and 1601 of 2024

respondent to deposit the arrears of rent from September 2022 to September 2023 and I.A.No.3 of 2023 was filed for directing the respondent to furnish security for the amount of arrears due.

2. According to the petitioner, he purchased the property from one Annapoorani and Jayarani by way of a registered sale deed dated 09.09.2022. Annapoorani and Jeyarani got the property from their mother one Kamala. Kamala, herself, was the beneficiary of the allotment of the suit property by CMDA. Since the petitioner became the owner of the property and the respondent was the tenant under Kamala, he claimed that he is entitled for the arrears of rent from the date of his purchase till the presentation of the plaint and thereafter. The monthly rent he claimed was Rs.30,000/- and as there were arrears from September 2022 onwards, he filed the application for deposit of rents. As the amount sought had been accrued, he sought the furnishing of security for the amount due.

3. Counter had been filed by the respondent stating that from September 2022, he had paid the rents to Kamala, the original owner and therefore, he is not liable to deposit arrears of rent as per the application made by the petitioner. The learned Trial Judge on consideration of the



C.R.P.PD.Nos.1600 and 1601 of 2024

facts, came to a conclusion that the tenant be directed to deposit Rs.30,000/- per month from November 2023 till the disposal of the suit.

Having passed this order, he dismissed the applications for deposit in I.A.No.2 of 2023 and to furnish security in I.A.No.3 of 2023. Hence, these two revisions.

4. The suit itself has been presented by the plaintiff to eject the defendant from the suit property. The amount which he claims as arrears i.e. from September 2022 to September 2023, forms part (b) of the prayer in the suit. If the application as sought is allowed, then prayer (b) of the suit becomes infructuous. It is a settled position of law that the final prayer cannot be granted at the interlocutory stage. Therefore, I am not inclined to interfere with the balanced order passed by the learned Judge directing the respondent to deposit the rents from November 2023 onwards.

5. Mr.M.Rajasekar for the petitioner immediately pointed out that this will put his client in hardship because from September 2022 to October 2023, he would not have any remedy. The solution is that if the suit is decreed as prayed for, then Mr.Rajasekar's clients will be entitled



C.R.P.PD.Nos.1600 and 1601 of 2024

to the rents from September 2022 onwards. This arrangement, that has been made by the learned Trial Judge, is only interlocutory in nature and therefore there will be no prejudice caused to the civil revision petitioner.

6. It is made clear that the findings that have been given in the common order dated 28.03.2024 is only for the purpose of disposal of the applications and will not bind the Court at the time of final disposal.

7. With the above observations, the Civil Revision Petitions are dismissed. No costs.

12.04.2024

Index : Yes / No

Speaking Order : Yes/No

Neutral Citation : Yes / No

Sgl



C.R.P.PD.Nos.1600 and 1601 of 2024

To

WEB COM

The XI Assistant City Civil Judge,
Chennai.



WEB COPY



C.R.P.PD.Nos.1600 and 1601 of 2024

V.LAKSHMINARAYANAN, J.

Sgl

C.R.P.PD.Nos.1600 and 1601 of 2024

12.04.2024