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C.R.P.No.1937 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1937 of 2024

Sree Lakshmi Devi Trust,
Rep. by its Managing Trustee,
Mr.P.K.Balamuruges,
No.99/10, Nungambakkam High Road,
Chennai – 600 034.

... Petitioner

Vs.

Samaran @ Sathis

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to allow the Civil Revision Petition by fixing a time frame and directing the XII Small Causes Court, Chennai to dispose of E.P.No.330 of 2017 in R.C.O.P.No.250 of 2013 within a time frame.

For Petitioner : Mr.S.Surya
for M/s.A.S.Kailasam and Associates



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ORDER

This Civil Revision Petition has been filed seeking a direction to the XII Small Causes Court, Chennai to dispose of E.P.No.330 of 2017 in R.C.O.P.No.250 of 2013 within a time frame.

2.The petitioner as trustee had let out some property as tenancy to the respondent's father for residential purpose on condition that he has to vacate the property when asked by the petitioner and to pay the rent on or before 6th of every English calendar month. The father of the respondent was paying rent to the petitioner regularly only for a period of 6 months and thereafter became a defaulter in payment of rent and was running catering business in the petitioner's property without getting permission from the petitioner. This being so, the respondent's father died in the year 2006. Thereafter, the respondent also failed to vacate the house. Hence, the petitioner filed R.C.O.P.No.250 of 2013 before the Rent Control Tribunal,



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Chennai against the respondent the ground of willful default. The Rent Controller by a judgment and decree dated 02.02.2016 decreed the suit in favour of the petitioner. Thereafter, the petitioner filed an Execution Petition in E.P.No.330 of 2017. The respondent, son of the original tenant filed two applications in E.A.Nos.95 and 96 of 2017. E.A.No.95 of 2017 has been filed under Section 47 of C.P.C. and E.A.No.96 of 2017 has been filed under Order XXVI Rule 10(B) and Section 151 of C.P.C. questioning the signature and hand writing.

3.The learned counsel for petitioner submits that admittedly in this case the respondent not preferred any appeal except filing Section 47 C.P.C. petition and the petition questioning the signature and hand writing of the respondent in the execution proceedings. In the execution proceedings he produced E-Court adjudication, wherein it is seen that the witnesses examined in E.A.Nos.95 and 96 of 2017 as early as on 27.07.2023.

Thereafter, the respondent is yet to commence his arguments and the case has



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been periodically adjourned for more than 10 hearings and the Lower Court also granting adjournments.

4.The contention of the learned counsel for petitioner is that the property belongs to the trust and the present trustee is aged more than 70 years and the trust wants the property for opening a clinic to serve the public. The petitioner is ready to advance his arguments. His only contention is that both E.A.Nos.95 and 96 of 2017 to be disposed of within a specified period.

5.Since it is only a limited prayer seeking a direction to the trial Court to dispose of the petition within the stipulated period, notice to the respondent not required. Hence, notice to the respondent dispensed with.

6.Considering the submissions made and on perusal of the material, it is seen that in this case the petitioner obtained a decree in his favour on 02.02.2016 and it is almost eight years since and the petitioner is yet to get delivery of vacant possession of the scheduled property. The execution



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petition filed in the year 2017. In view of the same, this Court directs the
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Execution Court (XII Small Causes Court, Chennai) to conclude the proceedings in E.A.Nos.95 and 96 of 2017 without further delay, preferably within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, this Civil Revision Petition is disposed of. No costs.

07.06.2024

Index : Yes/No
Internet : Yes/No
Speaking order/Non speaking order
Neutral Citation : Yes/No
rsi

To
The XII Judge,
Small Causes Court, Chennai.



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M.NIRMAL KUMAR, J.

rsi

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