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C.R.P.No.2294 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2294 of 2024

Aiyadurai Venkatakrishnan

... Petitioner

Vs.

1.M/s.CCG Technologies India Private Limited,
Represented by its Director
Mr.Michael Arul,
Having Office at Swathi Towers 7th Floor,
K22, 5 & 7, Durgabai Deshmukh Road,
Chennai – 600 028.

2.Michael Arul
3.SusanneGerl

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Principal District Court, Chengalpattu to dispose of I.A.No.2 of 2023 in O.S.No.503 of 2023 on the file of the Principal District Court, Chengalpattu as expeditiously within a time frame as fixed by this Court.

For Petitioner : Mr.M.Sachin Vijay



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ORDER

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This civil revision petition is filed to direct the Principal District Court, Chengalpattu to dispose of I.A.No.2 of 2023 in O.S.No.503 of 2023 as expeditiously within a time frame.

2.The petitioner/plaintiff filed O.S.No.503 of 2023 against the respondent seeking eviction and to direct the respondents/defendants to pay the rental arrears with interest @ 18% till the adjudication of the suit, in which, the petitioner filed I.A.No.2 of 2023 seeking the respondent/defendants to deposit the arrears of a sum of Rs.40,19,310.25 as on 25.08.2023. In this interlocutory application, the respondents adopted the written statement as counter and the case was posted for enquiry on 18.03.2024. Since the learned Principal District Judge was not sitting on 18.03.2024, the case was adjourned to 25.03.2024, on which date the petitioner's side arguments completed and the case was posted for respondent arguments on 01.04.2024, on which date the learned Principal District Judge was not sitting and the case was posted to 08.04.2024. Thereafter, at the request of the respondent, again the case was adjourned to



22.04.2024. On 22.04.2024, the case was further adjourned to 07.08.2024.

Adjourning the case without any progress and granting long adjournments would defeat the purpose of interlocutory application. Hence, the present civil revision petition is filed.

3.The contention of the learned counsel for the petitioner is that the first respondent/first defendant represented by its Directors, respondents 2 and 3 approached the petitioner for the purpose of letting out the property for residential purpose and the monthly rent was fixed at Rs.1,50,000/- and advance as Rs.15 lakhs. On 21.03.2019, an agreement was entered between the parties and the agreement was for a period of 11 months. From the date of commencement of tenancy, rent was paid till March 2020 and thereafter, the respondents defaulted in monthly rent. The respondents started marking monthly rental payment in parts which is against the rental agreement and as on 25.08.2023, the outstanding rental payment was Rs.40,19,310.25 after deduction of rental advance. In the meanwhile, the third respondent filed a suit in O.S.No.197 of 2021 before the District Munsif Court, Chengalpet seeking injunction not to evict except by due process of law and the same was dismissed on 25.04.2022. Earlier, the petitioner issued a notice dated



24.09.2021 terminating the tenancy. After notice, the petitioner filed R.L.T.O.P.No.5 of 2023 against the respondents before the District Munsif Court, Thiruporur which was disposed on 14.07.2023 with an observation to work out the remedy through general law. Thereafter, the present suit is filed. He would submit that the respondents were dragging on the suit by giving one reason or other. In the suit, written statement filed with false and frivolous allegations but the tenancy and the tenancy agreement has not been disputed. In such circumstances, I.A.N0.2 of 2023 filed which is kept pending without any progress and moreover, long adjournment dates granted.

4.Since the prayer sought for by the petitioner is to the limited extent, notice to the respondents is dispensed with.

5.From the submission of the petitioner and perusal of the materials and adjudication, it is not in dispute that there is a civil suit pending in O.S.No.503 of 2023. Written statement already filed in I.A.No.2 of 2023 on 28.08.2023 and thereafter, it was adjourned for counter, which process is also completed on 11.03.2024. Thereafter, I.A. was posted for enquiry



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which was periodically adjourned and finally on 22.04.2024, I.A.No.2 of 2023 adjourned to 07.08.2024. This Court is of the view that there is no

reason to adjourn the I.A. after four months from 22.04.2024 to 07.08.2024.

In view of the same, the learned Principal District Judge, Chengalpattu is directed to hear the argument of the respondents without delay on 07.08.2024 and to dispose of the same within a period of 15 days thereof.

Further, the suit is also at the stage of trial and hence, the same can also be disposed of expeditiously.

6. With the above direction, the Civil Revision Petition stands allowed. No costs.

24.06.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

cse

To

The Principal District Judge,
Chengalpattu.

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