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C.R.P.No.2847 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2847 of 2024

and

C.M.P.No.15138 of 2024

V.Sivanaath

... Petitioner

vs.

N.K.Pandari Bai

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to call for the records in fair and decreetal order passed in R.L.T.A.No.175 of 2023 dated 28.02.2024 by the learned VII Additional Judge, City Civil Court, Chennai confirming fair order and decreetal order dated 20.04.2023 passed in R.L.T.O.P.No.667 of 2022 by the learned XI Small Causes Judge/Rent Court, Chennai and set aside the same.

For Petitioner : Mr.N.Senthil Kumar

For Respondent : Mr.G.Palani



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ORDER

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This revision has been filed challenging the order passed in R.L.T.A.No.175 of 2023 dated 28.02.2024 by the learned VII Additional Judge, City Civil Court, Chennai confirming the fair order and decreetal order dated 20.04.2023 passed in R.L.T.O.P.No.667 of 2022 by the learned XI Judge, Small Causes Court/Rent Court, Chennai.

2.The petitioner/tenant under the respondent/landlord had suffered an order of eviction in R.L.T.O.P.No.667 of 2022 dated 20.04.2023. Aggrieved against the said order, the petitioner preferred an appeal in R.L.T.A.No.175 of 2023, which was dismissed by order dated 28.02.2024. Thereafter, the respondent/landlord filed E.P.No.298 of 2024, in which, delivery was ordered on 04.07.2024.

3.The contention of the learned counsel for respondent is that after the delivery was ordered on 04.07.2024, the shop was closed, now broke



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open with police aid ordered. He further submitted that as on date the petitioner is due to the tune of Rs.3,60,000/- and a working sheet filed. He further submitted that the E.P. petition is posted today before the Lower Court.

4. When the matter is taken up for hearing in the morning, there is no representation for the petitioner. After hearing the learned counsel for respondent, the case was passed over. When the matter is again taken up for hearing in the Post Lunch Session at about 4.55 p.m., the learned counsel for petitioner submitted that on 20.07.2024, he filed change of vakalath for the petitioner. Except the oral submission, there is nothing to show that the change of vakalath had been given and the same was informed to the Registry. Further, the respondent is on CAVEAT.

5. Now, the learned counsel for respondent submitted that before the Lower Court, the Execution Petition has been ordered and hence, nothing survives for adjudication in this petition.



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M.NIRMAL KUMAR, J.

rsi/asi

6.Recording the same, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.07.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

rsi/asi

To

1.The VII Additional Judge,
City Civil Court, Chennai.

2.The XI Judge,
Small Causes Court, Chennai.

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