



WEB COPY



CMA.No.2516 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

C.M.A.No.2516 of 2024 and
C.M.P.No.19915 of 2024

Mythili

... Appellant

vs.

Shanmugam

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the orders and decretal orders, dated 18.07.2024 in I.A.No.3/2023 in O.S.No.6105/2023 on the file of the XVI Additional City Civil Court, Chennai.

For Appellant : Ms.Kamaladevi

For Respondent : Mr.S.Vennimali

J U D G M E N T

Challenging the orders passed in I.A.No.3/2023 in O.S.No.6105/2023 by the XVI Additional District and Sessions Judge, Chennai, the present appeal is filed.

2. The appellant is the defendant in O.S.No.6105/2023 on the



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file of the XVI Additional District and Sessions Judge, Chennai. The respondent/plaintiff filed the suit for ejectment and to recover arrears of rental amount from the defendant. Along with the plaint, the plaintiff filed I.A.No.3/2023 under Order 39 Rule 10 C.P.C., seeking a direction to the defendant to pay monthly rent of Rs.4,300/- to him. The present appellant/defendant filed a counter in the said petition. However, she did not dispute the arrears of rent amount and the monthly rent payable by her to the plaintiff. In the circumstances, the Trial Court directed the present appellant to pay arrears of rent for the period from October 2023 to June 2024 within a period of ten days from the date of the order in I.A.3/2023. The trial Court also directed the present appellant / defendant to pay the monthly rent on or before tenth of every English calender month. Aggrieved over the same, the present appeal is filed.

3. Heard Ms.Kamaladevi, learned counsel for the appellant and Mr.S.Vennimali, learned counsel for the Respondent.

4. It is seen from the records that the present appellant who is



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the defendant in the suit has admitted that she is in arrears of rent from April 2023. She has not paid any amount towards rental arrears and the subsequent monthly rents though a direction was given by the trial Court in I.A.3/2023 to pay the amount within ten days from the date of the order. In the circumstances, I do not find any reason to interfere with the orders passed by the Trial Court. Hence, the Civil Miscellaneous Appeal is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

12.09.2024

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes / No
vum

To

1. XVI Additional District and Sessions Judge,
City Civil Court, Chennai.
2. The Section Officer, VR Section,
Madras High Court, Chennai.

R.HEMALATHA, J.



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