



C.R.P.No.3613 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM :

**THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**C.R.P.No.3613 of 2024**  
**and C.M.P.No.19633 of 2024**

1. M/s.Trishla

Represented by its Partner,

Vinod Kumar S.Savla

2. Vinod Kumar S.Savla

3. Kiran Kumar S.Savla

4. Sharat Kumar S.Savla

... Petitioners

Vs

K.R.Parthiban

... Respondent

**PRAYER** : Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to set aside the fair and decreetal dated 22.08.2024 passed in I.A.No.1 of 2024 in RLTA. No.80 of 2024 on the file of the IV Additional City Civil Court, Chennai and restore I.A.No.1 of 2024 to file.

For Petitioners : Mr.S.Suresh Kumar

**ORDER**

This Civil Revision Petition has been filed by the petitioners against the order passed by the IV Additional City Civil Court, Chennai in I.A.No.1 of 2024 in RLTA. No.80 of 2024 on 22.08.2024.



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2. Learned counsel for the petitioners submitted that the petitioners are the tenants and the respondent is the landlord. The respondent/landlord has filed a petition in RLTOP.No.491 of 2023 before the XI Small Causes Court, Chennai under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 and the same was allowed on 26.03.2024. Against which, the petitioners herein have filed an appeal in RLTA.No.80 of 2024 before the IV Additional City Civil Court, Chennai. Subsequently, the petitioners have filed an application in I.A.No.1 of 2024 in RLTA.No.80 of 2024 seeking for an interim stay of the fair and decreetal order dated 26.03.2024 passed in RLTOP.No.491 of 2023 and the appellate Court had granted an ex parte order of stay. Thereafter, the appeal was posted on various dates and awaiting the trial Court records, however, on 22.08.2024, without the availability of the trial Court records, the appellate Court, rendering that the parties were not inclined to proceed with the main case, has dismissed the order of interim stay granted. He further submitted that the petitioners are ready and willing to get along with the appeal as and when the records are received from the trial Court. He also submitted that he has got a good case on appeal. Thereby, he seeks to set aside the order passed in I.A.No.1 of 2024 by allowing this revision petition.



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3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. It is seen from the records that though the impugned order does not reflect whether the trial Court records have been received or not, the e-court status produced by the learned counsel for the petitioner, which is extracted hereunder, shows that the trial Court records are awaited. In such circumstances, this Court is of the opinion that the appellate Court ought not to have vacated the interim stay and dismissed the petition for interim stay.

e-Court status :-

|                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Daily Status</b>                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| City Civil Court, Chennai                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| In the court of: IV ADDITIONAL JUDGE                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| CNR Number : TNCH010170412024                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Case Number : RLTA/0000080/2024                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Trishla Rep by its Partner Vinod Kumar S.Savla versus K.R.Parthiban |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Date : 22-08-2024                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Business</b>                                                     | : Await trial court records. IA 1/2024 dismissed. Issue remainder to the Trial court. Call on 05.09.2024. IA 1/2024 - Records perused. On perusal of records it is found that the main RLTA is filed on 16.04.2024 itself and Exparte order of stay is granted on 25.04.2024. The said order is extended periodically. Counter is not filed so far. Main RLTA has to be disposed off within 120 days. Though Exparte stay has been granted and pending from 25.04.2024, both parties are not inclined to proceed with main RLTA. Since the Exparte stay order is pending for more than 30 days, this petition is dismissed, in the interest of justice. |
| <b>Next Purpose</b>                                                 | : Await Records                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Next Hearing Date</b>                                            | : 05-09-2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| IV ADDITIONAL JUDGE                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |



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5. In view of the above, the order passed by the learned IV Additional City Civil Court, Chennai, in I.A.No.1 of 2024 in RLTA.No.80 of 2024 on 22.08.2024 is hereby set aside and since it being the first appeal, the interim stay shall be extended till the date of disposal of the appeal, however, it is made clear that in view of the mandate of under the Act, the appellate Court is directed to call for the records from the trial Court and take every endeavor to dispose of the appeal in RLTA.No.80 of 2024 as expeditiously as possible.

6. Accordingly, this Civil Revision Petition stands allowed. Conquently, the connected Civil Miscellaneous Petition is also closed. No costs.

**06.09.2024**

Index : Yes / No

Neutral Citation : Yes / No

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To

The IV Additional City Civil Court, Chennai.



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**A.D.JAGADISH CHANDIRA, J.**

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**06.09.2024**