



C.R.P.(MD)Nos.104 of 2024 and 2427 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)Nos.104 of 2024 and 2427 of 2023
and C.M.P.(MD).No.12588 of 2023

C.R.P.(MD).No.104 of 2024

Kamal Batcha

... Petitioner/Landlord

Vs.

Tamilselvam

... Respondent/Tenant

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Rent Controller (Principal District Munsif Court), Kumbakonam to expedite the trial in E.P.No.29 of 2018 in R.C.O.P.No.3 of 2012 on its file, within a time frame as may be fixed by this Court.

For Petitioner : Mr.B.Aandan

For Respondent : Mr.L.Siva

C.R.P.(MD).No.2427 of 2023

Tamilselvam

... Petitioner/Tenant

Vs.

Kamal Batcha

... Respondent/Landlord



C.R.P.(MD)Nos.104 of 2024 and 2427 of 2023

PRAYER : Civil Revision Petition is filed under Section 115 of the C.P.C., to set aside the fair and decreetal order, dated 25.07.2023, made in E.A.No.112 of 2023 in E.P.No.29 of 2018 in R.C.O.P.No.3 of 2012 on the file of th Principal District Munsif Court, Kumbakonam.

For Petitioner : Mr.L.Siva

For Respondent : Mr.B.Aandan

COMMON ORDER

C.R.P.(MD).No.104 of 2024 has been filed seeking a direction to the Rent Controller to expedite the enquiry process in E.P.No.29 of 2018 in R.C.O.P.No.3 of 2012 and complete the same, within the time stipulated by this Court.

C.R.P.(MD).No.2427 of 2023 has been filed to set aside the fair and decreetal order, dated 25.07.2023, made in E.A.No.112 of 2023 in E.P.No.29 of 2018 in R.C.O.P.No.3 of 2012 on the file of th Principal District Munsif Court, Kumbakonam.

2.R.C.O.P.No.3 of 2012 was allowed in the year 2018, wherein, eviction was ordered. Against which R.C.A was filed and thereafter, Civil revision petition was also preferred. In the meantime, the above said E.A.No.112 of 2023 in E.P.29 of 2018 was filed for directing the



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Court itself to visit the property and assess the situation. That was dismissed. Against which, C.R.P.(MD)No.2427 of 2023 has been preferred. The learned counsel for the petitioner in C.R.P(MD).No.2427 of 2023 would submit that there is discrepancy with regard to the description of property and measurement. For that purpose he filed E.A.No.6 of 2021 was filed, that was dismissed by the Execution Court. Thereafter, this EA has been filed seeking the above said direction.

3.Heard both sides.

4.The commission petition itself has been dismissed. Filing of the E.A. is absolutely abuse of process of the court. It appears that a detailed order has been passed in the earlier application. If the petitioner got any grievance over it, he might have challenged. As above mentioned earlier, it is clear abuse of process of law. I find no reason to entertain the petition.

5.Accordingly C.R.P.(MD).No.2427 of 2023 is dismissed.

6.There shall be a direction to the execution court to expedite the



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execution proceedings in E.P.No.29 of 2018 and complete the same within a period of three months. Accordingly, C.R.P.(MD).No.104 of 2024 is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.03.2024

Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Principal District Munsif, Kumbakonam.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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