



C.R.P(MD).No.269 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.269 of 2024

and

C.M.P(MD)No.1210 of 2024

S.P.Selvam

... Petitioner

Vs

P.K.Vickram Prabhu

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition and thereby to set aside the fair order and decreetal order of the learned District Munsif, Virudhunagar, passed in I.A.No.3 of 2022 in O.S.No.44 of 2022 on her file dated 11.10.2023 and allow the same.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.A.C.Asaithambi



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ORDER

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This Civil Revision Petition is filed to allow this Civil Revision Petition and thereby to set aside the fair order and decretal order of the learned District Munsif, Virudhunagar, passed in I.A.No.3 of 2022 in O.S.No.44 of 2022 on her file dated 11.10.2023 and allow the same.

2. A suit in O.S.No.44 of 2022 was filed by the petitioner herein seeking a decree and judgment against the respondent herein not to evict him otherwise under due process of law. Pending the process, the petitioner has taken up a petition under Section 151 of C.P.C., seeking permission of the Court to deposit the rent amount. That came to be dismissed stating that there is an issue with regard to the arrears. Against the order of dismissal, this Civil Revision Petition came to be filed.

3. Only at the conclusion of the trial process, the actual amount of arrears can be found out. Eventhough this issue can be decided at the time of conclusion of the trial process, no prejudice will cause to the respondent in making the deposit subject to the contentions to be raised at the time of trial. If the petitioner is permitted to make the deposit,



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eventually it would avoid complications and even benefit the respondent,
in filing a separate suit for recovery of the amount.

4. Accordingly, this Civil Revision Petition is allowed with the above said observation and there shall be a direction to the District Munsif, Virudhunagar, that since it is a simple suit for permanent injunction between the lessor and lessee, it must be completed within a period of five months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition stands closed.

29.02.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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To

- 1.The District Munsif, Virudhunagar.
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGO VAN, J.

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