



*C.R.P.(MD)No.524 of 2024*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 27.02.2024

CORAM:

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

C.R.P.(MD)No.524 of 2024

and

C.M.P.(MD)No.2612 of 2024

Ragu

... Petitioner

Vs.

Nagarajan

... Respondent

**Prayer** : This Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside fair and decretal order dated 11.01.2024 made in E.A.No.8 of 2023 in E.P.No.44 of 2023 in R.L.T.O.P.No.11 of 2022 by the Principal District Munsif, Nagercoil, by allowing this Civil Revision Petition.

For Petitioner : Mr.G.Aravinthan

**ORDER**

The Civil Revision Petition is directed against the order passed in E.A.No.8 of 2023 in E.P.No.44 of 2023 in R.L.T.O.P.No.11 of 2022 dated 11.01.2024 allowing the petition filed under Order 21 Rule 106 C.P.C. directing the revision petitioner to pay a sum of Rs.72,000/-.



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2. It is seen from the records that the respondent/landlord has laid an execution petition in E.P.No.44 of 2023 for executing the eviction order passed in R.L.T.O.P.No.11 of 2022 and that since the revision petitioner/tenant has not entered into appearance, *ex parte* order came to be passed on 19.09.2023 and hence, the revision petitioner/tenant has filed an application in E.A.No.8 of 2023 for setting aside the *ex parte* order under Order 21 Rule 106 C.P.C. The respondent/landlord has filed a counter statement raising serious objections. The learned District Munsif, after enquiry, has passed the conditional order directing the revision petitioner/tenant to pay a sum of Rs.72,000/- on or before 11.02.2024. Hence, the present revision came to be filed challenging the said order.

3. The respondent/landlord, in the counter statement, has stated that a sum of Rs.2,80,000/- was due as the rent arrears at the time of filing of counter statement, but the learned District Munsif has imposed a condition to deposit Rs,72,000/- only.

4. Considering the quantum of arrears, the impugned order directing the revision petitioner to pay Rs.72,000/- is very much reasonable and the



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same cannot be found fault with. Hence, this Court is not inclined to interfere with the impugned order.

5. In the result, this Civil Revision Petition is dismissed. However, at the request of the learned counsel appearing for the revision petitioner, the revision petitioner is directed to pay the amount of Rs.72,000/- (Rupees Seventy Two Thousand only) to the respondent as directed by the learned Principal District Munsif, Nagercoil on or before 11.03.2024, failing which, the petition in E.A.No.8 of 2023 in E.P.No.44 of 2023 in R.L.T.O.P.No.11 of 2022 shall stand dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

**27.02.2024**

NCC :yes/No  
Index :yes/No  
Internet:yes/No  
csm

**Note : Issue order copy on 29.02.2024**

**To**

1. The Principal District Munsif Court,  
Nagercoil.
2. The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

csn

**Order made in**  
C.R.P.(MD)No.524 of 2024  
and  
C.M.P.(MD)No.2612 of 2024

**Dated : 27.02.2024**