



C.R.P. (MD) No. 1636 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 1636 of 2024
and
C.M.P. (MD) No.9589 of 2024

A.Rafi

... Petitioner/
Appellant

-VS-

1.Farsana Banu
2.Mohamed Ibrahim

... Respondents/
Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the impugned order dated 13.06.2024 made in I.A.No.1 of 2023 in R.L.T.A.No.21 of 2023 on the file of the II Additional District Court, Tiruchirappalli and set aside the same by allowing the civil revision petition as prayed for.

For Petitioner : Mr.K.S.Kathiravan

For Respondents : Mr.P.M.Vishnuvarthanan

ORDER

The Civil Revision Petition is directed against the order dated 13.06.2024 made in I.A.No.1 of 2023 in R.L.T.A.No.21 of 2023.



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2. The said order is passed by imposing condition while granting stay.

The learned Counsel for the petitioner would submit that such a condition is onerous and without ascertaining the actual arrears, the lower appellate Court has imposed condition.

3. Upon such arguments, the learned counsel appearing on behalf of the respondents/landlord would submit that the petitioner has not paid rent even pending the proceedings from the month of February, 2022.

4. In view of the said argument, this Court passed over the matter for the learned Counsel for the petitioner to ascertain the admitted arrears of rent. According to the learned counsel for the petitioner, a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) is the arrears of rent. The same is disputed by the learned Counsel appearing for the the respondent/landlord. This Court is not finally determining the arrears of rent and it is kept open for the parties to contest in the main R.L.T.A.No.21 of 2023. However, with reference to the condition which is imposed while granting the stay, the same cannot be termed wholly onerous. However, considering the submission made on behalf of the petitioner, this Court is inclined to modify the order in I.A.No.1 of 2023



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on the following terms:-

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(i) The petitioner/tenant shall continue to pay the monthly rent of Rs.10,000/- (Rupees Ten Thousand only) per month without fail until the disposal of R.L.T.A.No.21 of 2023;

(ii) The petitioner/tenant shall deposit a total sum of rupees Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) in two monthly installments of Rs.75,000/- each and the first monthly installment shall fall due on 31.08.2024 and the second installment shall fall on 30.09.2024, if the petitioner deposits the amount and continues to pay the monthly rent, the interim stay shall continue, failing compliance of any one of the conditions, the interim stay shall stand vacated.

5. With the above modification, the Civil Revision Petition stands disposed of and in other aspects, the order passed in I.A.No.1 of 2023 shall stand confirmed.

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NCC : Yes/No



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To



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D.BHARATHA CHAKRAVARTHY, J.

PKN

1. The II Additional District Court, Tiruchirappalli.

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