



CRP.(MD)No.2602 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.10.2024**

CORAM

**THE HON'BLE MRS.JUSTICE S.SRIMATHY**

CRP.(MD)No.2602 of 2024

and

C.M.P.(MD)No.15018 of 2024

Saravanakumar

... Revision Petitioner

Vs.

1.Rajendran

2.Ramalakshmi

... Respondents

**PRAYER:** Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, challenging the judgment and decree dated 15.06.2024 in R.C.A.No.1 of 2022 on the file of Sub Court, Kovilpatti confirming the Judgment and Decree dated 23.03.2022 in R.C.O.P.No. 1 of 2018 on the file of Rent Controller cum District Munsif, Kovilpatti.

For Appellant : Mr.P.Vadivel

For Respondents : Ms.R.Meenakumari

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## **JUDGEMENT**

The present civil revision petition is filed by the tenant challenging the judgment and decree dated 15.06.2024 passed in R.C.A.No.1 of 2022 on the file of Sub Court, Kovilpatti confirming the Judgment and Decree dated 23.03.2022 passed in R.C.O.P.No.1 of 2018 on the file of Rent Controller cum District Munsif, Kovilpatti.

2. The revision petitioner is a tenant herein. The R.C.O.P.No.1 of 2018 was filed by the landlord/respondents against the tenant on the ground of default in payment of rent and for personal occupation. However, the plea of personal occupation was dismissed but the default in payment of rent was upheld. Aggrieved over, the tenant had filed RCA.No.1 of 2022.

3. In the meanwhile, the tenant had filed RCOP No.3 of 2018 for deposit of rent under section 8(5) of the Act and the same was dismissed on technical ground on 23.03.2022 against which the tenant had preferred RCA No.2 of 2022 and the same is pending.



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4. And the landlord had filed I.A.No.1 of 2023 in RCA No.1 of 2022, wherein the appellate Court had directed to deposit monthly rent of Rs.17,000/- from February 2022 to April 2022 and June 2022 to October 2022 – 8 months rent of Rs.1,36,000/- in court and continue to deposit the rent. Since the same was not paid as per the order dated 16.11.2023 in I.A.No.1 of 2023, therefore RCA application was not heard on merits because there is violation of earlier order.

5. Therefore, this Court is inclined to grant an opportunity to the revision petitioner, since the revision petitioner is ready with DD for a sum of Rs.1,36,000/- (Rupees One Lakh Thirty Six Thousand only), the revision petitioner is directed to deposit to the credit of R.C.A.No.1 of 2022. Hence, the case is remitted back to the appellate court. The appellate Court is directed to hear the case on merits and pass orders, within a period of four months. In the meanwhile, Execution Petition filed by the landlord shall be kept in abeyance.



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6. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

Nsr

**To:**

- 1.The Sub Court, Kovilpatti.
- 2.The Section Officer,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**S.SRIMATHY, J.**

Nsr

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