



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.08.2024

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P(MD)No.1935 of 2024
in
C.M.P(MD)No. 11034 of 2024

B. Prakash

... Petitioner

Vs.

M.Sivakannu (Died)

J.S.Poiyyamozhi

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 115 of Civil Procedure Code, to set aside the Fair order and decreetal order dated 25.04.2024 in E.A.No.2 of 2024 in E.P.No.190 of 2005 on the file of the I Additional District Munsif Court, Tiruchirapalli.

For Petitioner : Mr.R.Baskaran, Senior Counsel,
for M/s.R.B.Law Associates.

ORDER

The instant Civil Revision Petition is filed to set aside the Fair order and Decreetal order dated 25.04.2024 passed in E.A.No.2 of 2024 in E.P.No.190 of 2005 on the file of the I Additional District Munsif Court, Tiruchirapalli.



2. The Civil Revision petitioner is a tenant under the respondent herein. In order to evict the tenant, the respondent landlord has preferred R.C.O.P No.349 of 1978 and the same was ordered. Against which, the tenant has preferred R.C.A.No.42 of 2000 before the Appellate Court and the same was dismissed on 14.03.2005 confirming the order of eviction. Aggrieved over the same, the tenant has preferred C.R.P(NPD)(MD)No.664 of 2005. In the meanwhile, the landlord has filed E.P.No.190 of 2005. During the pendency of the EP, this Court has granted an order of stay in C.M.P(MD)No.3584 of 2005 in C.R.P(NPD)(MD)No.664 of 2005 and the same was produced before the EP Court. On 11.04.2013, the landlord had approached the tenant/petitioner with an intention of compromise. Thereafter, the tenant had paid the enhanced rent.

3. Pending the above proceedings, the original landlord died and his legal heir was impleaded as party.

4. The contention of the revision petitioner is that the respondent had left the execution petition without any progress since there was an amicable settlement reached between the father of the respondent and the revision petitioner. The said contention cannot be accepted, since the amicable settlement is only for the arrears of rent and not for dropping the



eviction proceedings. If the father of the respondent intended to drop the proceedings, then he would have withdrawn the EP. When the EP was kept pending then the said contention is not believable.

5. Further it is seen the RCOP was filed as early as 1978 for the reason of default in payment of rent. Subsequently the landlord has also raised an additional ground for own use. The landlord has right to evict the revision petitioner based on own use also.

6. Furthermore it is seen that the father of the respondent had initiated eviction in the year 1978, eviction was ordered. Aggrieved over the tenant had filed appeal in the year 2000 and the same was dismissed in the year 2005. Then EP was filed in the year 2005. Even in the year 2024 the tenant could not be evicted by the landlord. The tenant is successfully squatting in the land for more than 46 years. This Court is of the considered opinion that if the present Civil Revision Petition is entertained, common man would lose faith in the judiciary and the system of judiciary would collapse. Hence, this Court is not inclined to entertain this Civil Revision Petition.



7. Accordingly, this Civil Revision Petition stands dismissed.

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The Civil Revision Petitioner/Tenant is directed to vacate the premises and handed over the possession to the respondent/landlord herein, within a period of One Year from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

16.08.2024

Index : Yes / No
Internet : Yes
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To

The I Additional District Munsif Court,
Tiruchirapalli.



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S.SRIMATHY, J

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Order made in
C.R.P(MD)No.1935 of 2024

16.08.2024