



C.R.P(MD)No.2902 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

**C.R.P(MD)No.2902 of 2024
and
C.M.P(MD)No.16588 of 2024**

M.Vijayaraman

... Petitioner / Respondent

Vs

B.Thanapackiyam

... Respondent / Petitioner

Prayer : This Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and ex order passed in E.P.No.108 of 2023 in R.L.T.O.P.No.85 of 2020 dated 15.10.2024 on the file of the learned 1st Additional District Munsif, Madurai Town and to allow the Civil Revision Petition.

For Petitioner : Mr.T.R.Subramanian

ORDER

This Civil Revision Petition is filed to set aside the fair and ex order passed in E.P.No.108 of 2023 in R.L.T.O.P.No.85 of 2020 dated 15.10.2024 on the file of the learned 1st Additional District Munsif, Madurai Town and to allow the Civil Revision Petition.



C.R.P(MD)No.2902 of 2024

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2. The facts in brief is that R.L.T.O.P.No.85 of 2020 was filed by the respondent seeking eviction of the revision petitioner from the tenancy premises. The revision petitioner appeared. At the conclusion of the enquiry process, the Rent Court allowed the petition, directing the revision petitioner herein to vacate the premises and handover the vacant possession within a month. The order was passed on 02.03.2023. Against which R.T.A.No.7 of 2023 was preferred by the revision petitioner before the Rent Control Appellate Tribunal, Madurai / IV Additional District Judge, Madurai. Along with the appeal, he filed stay petition and affidavit in I.A.No.1 of 2023 and there was no order by the appellate Court. In the meantime, E.P.No.108 of 2023 was preferred by the respondent before the I Additional District Munsif Court, Madurai. The same was ordered on 15.10.2024. Now it is stated to be pending for delivery. Against which this Civil Revision Petition is preferred.

3. This Court is absolutely not in a position to understand the grievance of the revision petitioner. As mentioned above, he filed I.A.No.1 of 2023 seeking stay of the execution of the order. The same is



C.R.P(MD)No.2902 of 2024

stated to be pending. Without prosecuting the same, he has filed this revision stating that the order passed by the I Additional District Munsif, Madurai Town, is not proper in view of the pendency of R.T.A.No.7 of 2023 and I.A.No.2 of 2023 before the IV Additional District Judge, Madurai. When there is no stay order passed by the appellate Court, there can be no impediment for the Execution Court to go on with the execution. The revision petitioner shall work out remedy only in the pending R.T.A.No.7 of 2023 and I.A.No.1 of 2023.

4. I find absolutely no error in the order passed by the I Additional District Munsif, Madurai Town. But however, there shall be a direction to the appellate authority namely the IV Additional District Judge, Madurai to dispose I.A.No.1 of 2023 within a period of 15 days from the date of receipt of a copy of this order. Depending upon the outcome of the I.A.No.1 of 2023, the execution Court namely the I Additional District Munsif, Madurai, may proceed, until then, the execution Court can wait.



C.R.P(MD)No.2902 of 2024

5. The matter is disposed of without notice to the respondent since no adverse order is passed against the respondent.

6. In view of the above observation and direction, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

21.11.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

Note: Issue order copy on **21.11.2024**

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To

- 1.The IV Additional District Judge, Madurai.
- 2.The I Additional District Munsif, Madurai.
- 3.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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C.R.P(MD)No.2902 of 2024

G.ILANGO VAN, J.

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