



CMP(MD). No.16664 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

**Monday, the Fourth day of March Two Thousand and Twenty Four
PRESENT**

The Hon`ble Mr.Justice P.B. BALAJI

**CMP(MD). No.16664 of 2023
in
CRP(MD)1767 OF 2018
and
CMP(MD).No.7730 of 2018
and
CRP(MD). No.1768 of 2018**

R.Pappaiya ... Petitioner/Petitioner/Petitioner

..Vs..

K.Shanthi ... Respondent/Respondent/Respondent

Prayer in CMP(MD). No.16664 of 2023

Civil Miscellaneous Petition filed Under Section 151 of the Civil Procedure code to Modify the common order in C.R.P(MD) No.1767 of 2018 and C.M.P(MD) No.7730 of 2018 and C.R.P(MD).No.1768 of 2018 dated 31.10.2023 on the file of this Court.

PRAYER in C.R.P(MD)No.1767 of 2018: Civil Revision Petition filed under Section 25 of Tamilnadu Buildings and (Lease and Rent Control) Act, against the petition and order dated 29.06.2018 in I.A.No.26 of 2017 in R.C.A.No.7 of 2017 on the file of the Rent Control Appellate Authority, Sub Court, Tiruchendur.

Prayer in CMP(MD).No.7730 of 2018 in CRP(MD).No.1767 of 2018:

Civil Miscellaneous Petition is filed Under Section 151 of Civil Procedure Code to stay all the further proceedings of the execution in E.P.No.2 of 2014 on the file of the District Munsif Court, Tiruchendur.



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PRAYER in C.R.P(MD)No.1768 of 2018: Civil Revision Petition filed under Section 25 of Tamilnadu Buildings and (Lease and Rent Control) Act, against the Fair and Decreetal Order dated 29.06.2018 in R.C.A.No.7 of 2017, on the file of the Subordinate Judge, Tiruchendur confirming the Fair and Decreetal Order dated 18.09.2013 in RCOP No.3 of 2010 on the file of the District Munsif Court, Tiruchendur.

ORDER:- This Civil Miscellaneous Petition is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. J.David Ganesan, Advocate for the Petitioner and of Mr. M.P.Senthil, Advocate For Respondent, this Court made the following order:

"This matter has been taken up on Virtual Hearing. This Civil Miscellaneous Petition has been taken out for seeking modification of the order dated 31.10.2023.

2. On 23.01.2024, the learned counsel on either side were heard virtually and in order to give one final opportunity to the petitioner/tenant to pay the arrears of rent viz., Rs.6,30,000/- , time was extended until 03.03.2024 and the matter was directed to be listed today, on virtual mode.

3. Today, the learned counsel for the petitioner expresses his client's inability to pay the amount. The learned counsel for the petitioner would submit that the petitioner is unable to



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comply with the order directing payment of Rs.6,30,000/-, being the arrears of rent by way of two installments, despite the earlier order passed on 31.10.2023.

4. The learned counsel for the respondent would seek for suitable orders being passed as the tenant has admittedly not complied the order of this Court.

5. The Revision was filed challenging the order in a Section 11 (4) Application under the Tamil Nadu Buildings and (Lease and Rent Control) Act, 1960, Act 18 of 1960. Only in order to give an opportunity to the petitioner/tenant to contest the Revision Petition, the order dated 31.10.2023 came to be passed, granting three months time to the tenant to clear the entire arrears of rent which was Rs.6,30,000/- as on that date. However, again at the requests of the tenant in CMP. No.16664 of 2023, further time was granted upto 03.03.2024. Even as on date, the petitioner/tenant has not paid even a single rupee towards arrears of rent.

6. Such a tenant does not deserve any further indulgence from a Court of law. The tenant had already suffered an order before the Rent Controller and successfully dragged the matter



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without even paying rent to the respondent/land lord. The Rent Control Original Petition is of the year 2010 filed by the respondent in RCOP. No.3 of 2010 on the file of the (Rent Controller) District Munsif Court, Tiruchendur. The tenant has admittedly not paid rents right from the year 2008 and we are in the year 2024 and for 16 long years, the tenant has been occupying the tenanted premises. Though the learned counsel for the petitioner would state that he has disputed the title of the respondent and that he is not the tenant, etc., such pleas are not available to the petitioner at this length of time.

7. In view of the non compliance of the order dated 31.10.2023, modified by order dated 23.01.2024, I feel that the petitioner/tenant deserves no further indulgence of this Court. The petitioner/tenant shall vacate and hand over vacant possession of the tenanted premises forthwith and on failure to comply with this order, the respondent/landlord shall be entitled to proceed with the pending Execution Petition in E.P. No. 02 of 2014 and the Executing Court shall see to it that the tenant vacates and hands over vacant possession in compliance of the



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original order of eviction dated 18.09.2013 in RCOP. No.3 of 2010,
without any undue delay.

8. With the above directions, this Civil Miscellaneous Petition is
dismissed."

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/04/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

TO

1.The Subordinate Judge,
Tiruchendur.

2.The District Munsif,
Tiruchendur.

+ 1 CC to Mr.M.P.Senthil Advocate CA Sr.No.9305/2024



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ORDER DATED : 04/03/2024

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ORDER

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in
CRP(MD).No.1767 of 2018
and
CMP(MD).No.7730 of 2018
and
CRP(MD). No.1768 of 2018

SI-(10.04.2024) 6P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.