

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.1165 of 2011 &
M.P.No.1 of 2011

K.Gnanasekaran

... Petitioner

v.

D.Moorthy

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, by setting aside the fair order and decreetal order of the learned Sub Judge, Coimbatore in dismissing the said I.A.No.643 of 2009 in R.C.A.C.F.R.No.15589 of 2009, dated 26.08.2010.

For Petitioner : Mr.V.Chinnasamy

For Respondent : Mr.V.G.Suresh Kumar

O R D E R

Challenging the fair and final order passed in R.C.A.C.F.R.No.15589 of 2009 on the file of Sub Court, Coimbatore, the tenant has filed the above Civil Revision Petition.

2. The respondent-landlord has filed the Original Petition in R.C.O.P.No.89 of 2006 on the file of District Munsif (Rent Controller), Coimbatore for eviction of the tenant. In the said Original Petition, the respondent-landlord filed an application in I.A.No.81 of 2006 under section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act. The said application was contested by the tenant.

3. The Trial Court, after taking into consideration the case of both the parties, rightly allowed the application by directing the tenant to pay the rent at the rate of Rs.5,900/- per month.

4. Against which, the tenant preferred an appeal with a delay of 784 days.

5. In the affidavit filed in support of the appeal, the tenant has stated that he was suffering from diabetics and that his wife had deserted him and therefore, he could not file the appeal in time.

6. The appeal filed by the tenant was contested by the respondent-landlord stating that the averments stated in the affidavit cannot be accepted for condoning the inordinate delay of 784 days.

7. The Rent Control Appellate Authority, taking into consideration the case of both the parties, dismissed the appeal finding that the reasoning given by the petitioner-tenant cannot be accepted.

8. As already stated for condoning the inordinate delay of 784 days, the petitioner has stated that he was suffering from diabetics and his wife has deserted him. The said contention cannot be accepted for the reason that he has not stated that he was bed-ridden and was not in a position to move around to file the appeal in time. In the absence of any acceptable reasons, the delay was rightly rejected by the Rent Control Appellate Authority

9. It is settled position that in order to condone the delay, the parties should give sufficient cause for condonation of the delay. In the case on hand, in the absence of any acceptable cause shown by the tenant, the Rent Control Appellate Authority has rightly dismissed the appeal.

10. In these circumstances, I do not find any error or irregularity in the order passed by the Rent Control Appellate Authority. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.11.2015

Index : No
Internet : Yes

Rj

To
Sub Court,
Coimbatore

M. DURAISWAMY,J.,

Rj

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