

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

CRP (NPD) Nos.1167 and 1168 of 2015
and M.P.No.1 of 2015 in CRP(NPD)NO.1167 of 2015

P.S.Arumugam

.. Petitioner

versus

Manoranjithammal

..Respondent

Petition No.1167/15 filed under Article 227 of the Constitution of India against the order dated 13.02.2015 made in I.A.No.197 of 2015 in I.A.No.45 of 2011 in Unnumbered RCA No. of 2011 passed by the learned Principal District Judge, Pondicherry.

Petition No.1168/15 filed under Article 227 of the Constitution of India against the order dated 13.02.2015 made in I.A.No.45 of 2011 in Unnumbered RCA No. of 2011 passed by the learned Principal District Judge, Pondicherry.

For Petitioner : Mr.R.Thiagarajan
For Respondent : Mr.R.Sreedhar

O R D E R

While Civil Revision Petition No.1167 of 2015 arises against the fair and final order dated 13.02.2015 passed in I.A.No.197 of 2015 in I.A.No.45 of 2011 in Unnumbered RCA No. of 2011 on the file of the Principal District Judge, Pondicherry, the Civil Revision Petition No.1168

of 2015 arises against the fair and decreetal order dated 13.02.2015 passed in I.A.No.45 of 2011 in Unnumbered RCA No. of 2011 on the file of the Principal District Judge, Pondicherry.

2.The petitioner is the tenant under the respondent. The landlady filed H.R.C.O.P.No.47 of 2008 on the file of the Rent Controller, Puducherry, for eviction on the ground of willful default. In the said Original Petition, the landlady, filed an application in I.A.No.322 of 2009 under Section 11(4) of the Pondicherry Buildings (Lease and Rent Control) Act, 1969 and the Rent Controller, allowed the said application by order dated 22.09.2010, against which the tenant preferred an appeal before the Principal District Court, Pondicherry, with a delay of 3 days in filing the appeal by filing I.A.No.45 of 2011.

3.The Rent Control Appellate Authority, taking into consideration the cases of both parties, condoned the delay of 3 days in filing the appeal by order dated 23.12.2014 in I.A.No.45 of 2011, on condition that the petitioner/tenant depositing the entire arrears of rent on or before 23.01.2015, and it was made clear that the petition will stand dismissed if the petitioner fails to deposit the said amount within the stipulated time and adjourned the case on 27.01.2015 for compliance of the conditional order. Thereafter, the petitioner/tenant filed an application in I.A.No.197 of 2015 to extend the time by one month for complying with the conditional order. The said application was opposed by the

landlady. The Rent Control Appellate Authority dismissed the application by order dated 13.02.2015 stating that sufficient opportunity was given to the tenant for making the payment. The application in I.A.No.45 of 2011 was also dismissed by order dated 13.02.2015. Aggrieved against the said orders of the Rent Control Appellate Authority dated 13.02.2015, the petitioner/tenant is before this Court.

4. When the matters are taken up for hearing, learned counsel appearing for the petitioner/tenant submitted that the tenant is prepared to pay the entire arrears of rent as of today before the Rent Control Appellate Authority.

5. The learned counsel for the respondent/landlady also submitted that the petitioner/tenant may be directed to deposit the amount within a stipulated time and on such deposit being made by the tenant, the Rent Control Appellate Authority may be directed to number the appeal preferred by the tenant and the Rent Control Appellate Authority may also be directed to dispose of the appeal within a time frame for the reason that the landlady is more than 85 years old now.

6. Having regard to the submissions made by the learned counsel on either side, I modify the order passed in I.A.No.45 of 2011 in Unnumbered R.C.A.No. of 2011 by granting a week's time from the date of receipt of a copy of this order to the petitioner/tenant to deposit

the entire arrears of rent as of today, after deducting a sum of Rs.3,7500/- which was already paid by the petitioner/tenant before the Rent Control Appellate Authority, Principal District Judge, Pondicherry. On such deposit being made by the petitioner/tenant, the Rent Control Appellate Authority, Principal District Judge, Pondicherry is directed to number the appeal filed by the petitioner/tenant and dispose of the same on merits and in accordance with law, within a period of six months from the date of such deposit being made by the petitioner/tenant.

7. In view of the same, the order passed in I.A.No.197 of 2015 in I.A.No.45 of 2011 in Unnumbered RCA No. of 2011 on the file of the Principal District Judge, Pondicherry is set aside.

The Civil Revision Petitions are disposed of with the above terms. No costs. Connected miscellaneous petition is closed.

08.04.2015

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Note: Issue on 09.04.2015

To
The Principal District Judge, Pondicherry.

M.DURAISWAMY,J

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