

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2014 of 2015 &
M.P.No.1 of 2015

Ekambaram (dead)

1.E.Revathi

2.Minor Deepak Chand @ Prem Chand
Rep. By Mother and Guardian
E.Revathi

3.Minor Lok Chand @ Lok Chandar
Rep. By Mother and Guardian
E.Revathi

4.Padmavathi

... Petitioners

v.

1.Navaneethammal

Shanmugavalli (died)

2.Anusuya Ammal
3.K.Pandurangan
4.K.Gopi
5.K.Malliga
6.R.Krishnamoorthy
7.K.Kannan

... Respondents

Civil Revision Petition filed under section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 to set aside the order and decree dated 19.6.2014 made in I.A.No.134 of 2012 in unnumbered R.C.A.No.Nil of 2012 on the file of learned Subordinate Judge, Vellore (Rent Control Appellate Authority) filed against the Judgment and decree dated 24.1.2011 made in R.C.O.P.No.84 of 2006 on the file of learned District Munsif, Vellore (Rent Control Authority).

For Petitioner : Mr.T.Paranthaman

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O R D E R

Challenging the fair and final order passed in I.A.No.134 of 2012 in unnumbered R.C.A.No.Nil of 2012 on the file of Subordinate Court, Vellore (Rent Control Appellate Authority), the tenants have filed the above Civil Revision Petition.

2. The respondents-landlords filed the Original Petition in R.C.O.P.No.84 of 2006 for eviction on the ground of willful default, putting the building to a different user and for own use and occupation. After contest, the Rent Controller ordered eviction on 24.01.2011.

3. Pursuant to the order of eviction granted in R.C.O.P.No.84 of 2006, the respondents-landlords filed Execution Petition in E.P.No.172 of 2011. The tenants appeared through counsel on 10.08.2011 and are contesting the Execution Petition. Thereafter on 22.8.2011, the tenants preferred Rent

Control Appeal along with an application in I.A.No.134 of 2012 to condone the delay of 547 days in filing the appeal. In the affidavit filed in support of the application, the tenants have stated that their counsel had died two months prior to the filing of the appeal and that they came to know about his death only at the time of filing the appeal. In the affidavit, the tenants have not given any details when their counsel had died and when they obtained the certified copy of the order in R.C.O.P.No.84 of 2006.

4. Learned counsel appearing for the petitioners submitted that the tenants' counsel had died on 2.5.2012. For condoning the inordinate delay of 547 days in filing the Rent Control Appeal, the tenants have not given any acceptable reason.

5. The affidavit filed by the tenants are bald and bereft of details. When the tenants were appearing before the Execution Court through their counsel right from 10.8.2011, they could have filed the appeal at the earliest point of time. Instead, they filed the appeal only on 22.8.2012. Though the tenants' counsel had died on 2.5.2012, the reason for not filing the appeal even prior to May 2012 was not explained by the tenants. In the absence of acceptable reasons given by the tenants, the Rent Controller has rightly dismissed the application.

6. 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. Consequently, connected miscellaneous petition is closed. No costs.

10.06.2015

Index : No
Internet : Yes

Rj

To

1.The Subordinate Judge,
(Rent Control Appellate Authority),
Vellore.

2.The District Munsif,
(Rent Control Authority),
Vellore

M. DURAISWAMY,J.,

Rj

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