

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.4775 of 2013
and M.P.No.1 of 2013

D.Anandarajan (Deceased)

1.D.Ramesh Rajan

... Petitioner

Vs.

N.Srinivasan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 20.09.2013 made in M.P.No.11 of 2011 in R.C.O.P.No.31 of 2008 on the file of the District Munsif Court, Tiruvottiyur.

For Petitioner : Mrs.G.Thilakavathi

For Respondent : Mr.M.Kempraj

ORDER

Challenging the fair and decreetal order passed in M.P.No.11 of 2011 in R.C.O.P.No.31 of 2008 on the file of the District Munsif Court, Tiruvottiyur, the landlord has filed the above Civil Revision Petition.

2.The petitioner/landlord filed R.C.O.P.No.31 of 2008 for fixation of fair rent. Since the respondent/tenant remained absent, an exparte order

was passed by the Rent Controller on 21.08.2009. Thereafter, the respondent/tenant filed an application in M.P.No.11 of 2011 to condone the delay of 287 days in filing the petition to set aside the exparte order. Though the application was opposed by the landlord, the Rent Controller allowed the application. Aggrieved over the same, the landlord has filed the above Civil Revision Petition.

3.Mrs.G.Thilakavathi, learned counsel appearing for the petitioner/landlord submitted that the Original Petition was filed by the landlord way back in the year 2008 and even after a lapse of 7 years, the landlord is not in a position to get the fair rent. In these circumstances, the learned counsel submitted that the order passed by the Rent Controller in M.P.No.11 of 2011 may be confirmed and further the petitioner/landlord has no objection for setting aside the exparte order passed in R.C.O.P.No.31 of 2008 on 21.08.2009. Further, the learned counsel submitted that the Rent Controller may be directed to dispose of the Original Petition in R.C.O.P.No.31 of 2008 within a stipulated time.

4.Mr.M.Kempuraj, learned counsel appearing for the respondent has no objection for fixing a time limit for the disposal of the Original Petition.

5. Having regard to the submissions made by the learned counsel on either side, while confirming the fair and decreetal order passed in M.P.No.11 of 2011 in R.C.O.P.No.31 of 2008, I direct the Rent Controller District Munsif, Tiruvottiyur, to allow the application filed by the respondent to set aside the exparte order dated 21.08.2009 in R.C.O.P.No.31 of 2008 and take up the Original Petition in R.C.O.P.No.31 of 2008 for hearing. Since the Original Petition is pending from 2008, I direct the Rent Controller District Munsif, Tiruvottiyur to dispose of the Original Petition in R.C.O.P.No.31 of 2008, on merits and in accordance with law, within four months from the date of receipt of a copy of this order.

6. It is needless to say that the respondent/tenant shall co-operate with the petitioner in disposing of the Original Petition within the stipulated time.

7. With this observation, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

23.06.2015

M.DURAIWAMY,J.
va

To

The District Munsif Court,
Tiruvottiyur.

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