

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)No.2280 of 2016

M/s Jones Lang Lasalle Property
Consultants (India) Pvt Ltd
represented by its Authorised Agent
Sai Prasanna
Level 8, Tower II, TVH Belicia Towers,
Block No-94, MRC Nagar,
Chennai-600 028

... Petitioner

vs

1. M/s Updater Services Pvt Limited
rep by its AGM L.M. Jayaram (Commercial & legal),
DB Jain College Hostel Road,
Thoraipakkam,
Chennai-600 097
2. Kriticons Limited,
rep by its Director,
Ceebros Centre,
No.3, 4th Floor No.45,
Monteith Road,
Egmore,
Chennai – 600 008

.... Respondents

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the Order passed by the Principal Judge, City Civil Court, Chennai in CMP No.1156/2015 in A.S.S.R.No.44699 of 2015 dated 29.04.2016.

For Petitioner : Mr.M. Jaikumar
For R.1 : Mr.J. Nandagopal
For R.2 : Mr.Shivakumar

ORDER

Challenging the Order passed in C.M.P.No.1156 of 2015 in A.S.S.R.No.44699 of 2015 on the file of Principal Judge, City Civil Court, Chennai, the appellant has filed the above revision.

2. Challenging the Judgment and Decree passed in the suit in O.S.No.1261 of 2011, the second defendant filed an appeal in A.S.S.R.No.44699 of 2015 with a petition in C.M.P.No.1156 of 2015 to condone the delay of 575 days in filing the appeal.

3. After contest, the lower Appellate Court allowed the application on condition that the appellant paying a sum of Rs.5,000/- to the respondent on or before 28.04.2016 and the trial Court posted the matter on 29.04.2016. Since there was no representation on behalf of the petitioner/appellant on 29.04.2016, the lower Appellate Court dismissed the application, against which, the appellant has filed the above Civil Revision Petition.

4. When the matter is taken up for hearing, the learned counsel, appearing for the petitioner/tenant, submitted that the petitioner is willing to pay Rs.15,000/-(Rupees fifteen thousand only) towards cost and in such circumstances, the petition in C.M.No.1156 of 2015 may be allowed.

5. The learned counsel, appearing for the first respondent has no objection for allowing the application on payment of cost of Rs.15,000/-.

6. It is also represented by the learned counsel on either side that the petitioner paid the sum of Rs.15,000/-(Rupees fifteen thousand only) by way of Demand Draft on 05.10.2016 to the learned counsel appearing for the first respondent.

7. In view of the submissions made by the learned counsel on either side, the fair and decreetal order passed in C.M.P.No.1156 of 2015 stands set aside and the petition in C.M.P.No.1156 of 2015 stands allowed. The Principal Judge, City Civil Court, Chennai is directed to number the appeal in A.S.S.R.No.44699 of 2015 and

M. DURAISWAMY,J.,

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dispose of the same within nine months from the date of numbering the appeal. With these observations, the Civil Revision Petition is allowed. No costs.

06-10-2016

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Index:no
website:yes

To

The Principal Judge, City Civil Court, Chennai

CRP(NPD)No.2280 of 2016