

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2016

CORAM :

THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. No. 3895 of 2009

and

M.P. No. 1 of 2009

1. K. Arunan
2. A. Manimegalai ... Petitioners/Tenants

.. Vs ..

Mr. R. Palanisamy ... Respondent/Landlord

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to aside the order dated 17.08.2009 passed in I.A. No.295 of 2009 in RCA CFR No.8400 of 2009 by the Principal Sub Judge, Coimbatore by dismissing the condone the delay of 61 days in filing appeal against the fair and final order dated 10.11.08 in I.A. No. 192/2008 in R.C.O.P No.98/2006 on the file of the Court of the 1st Additional District Munsif, Coimbatore and to pass such further orders.

For Petitioner : Mr. H. Mohamed Ismail
For Respondent : Mr. C.R. Prasanan

ORDER

This Revision is filed against the order of dismissal of the delay petition filed under Section 5 of the Limitation Act, challenging the order passed under Section 11(4) of the Tamilnadu Buildings (Lease & Rent Control), Act, 1960.

2. After filing of the revision, it appears that the first petitioner Mr. K. Arunan, died on 17.09.2010. Though time was granted as early as 2011, no steps have been taken to bring the legal heirs, if any, on record. However, since the second petitioner is the daughter of the first petitioner, the question of abatement does not arise. Even on an earlier occasion, on 05.07.2012, the learned counsel for the respondent has represented that the second petitioner had handed over the property to the landlord, by vacating the premises and the matter was adjourned for verification of the same.

3. Today, there was no representation for the revision petitioner. Only the learned counsel for the respondent is present. Learned counsel for the respondent also produced a letter, of his counter part before the Lower Court, stating that the landlord has taken possession of the building from the revision petitioner, as per the order in E.P. No. 12 of 2010 in R.C.O.P No. 98 of 2006 dated 25.08.2010.

4. Recording the same, the Civil Revision Petition is dismissed as infructuous. Consequently, the connected M.P is closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

avr

To

1. The Principal Sub Judge,
Coimbatore.
2. The Additional District Munsif,
Coimbatore.

+1 cc to Mr.C.R.Prasanan Advocate sr.11007/16

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