

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 18.03.2016****CORAM****THE HONOURABLE Dr.JUSTICE S.VIMALA****CRP (NPD) No.857 of 2016**
and CMP.No.4771 of 2016Jaffarullah
S/o.Fazarullah

.. Petitioner

Vs

Chandrasekaran
S/o.A.V.G.Subramaniam

.. Respondent

Prayer:- Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 18/1960 as amended by Act 23/73 and Act 1/1980 praying to set aside the order dated 19.01.2016 made in I.A.No.166 of 2015 in CFR.No.17118 of 2015 in unnumbered R.C.A.No. /2015 on the file of Principal Subordinate Judge, Erode.

For Petitioner

:Mr.M.V.Venkatseshan

ORDER

Challenging the order of eviction passed in RCOP.No.12 of 2009 on the file of I Additional District Munsif, Erode, the tenant has filed the unnumbered RCA of 2015, along with an application in I.A.No.166 of 2016 (on the file of Principal Sub Court Erode), to condone the delay of two days. This application was allowed with a direction to pay the cost of Rs.1,000/- to the landlord on or before 27.01.2016. This order is under challenge in this revision petition.

2. When the application to condone the delay was filed by the petitioner/tenant, the respondent made an endorsement that he has no objection to condone the delay, subject to the terms as to cost.

3. Accordingly, on 19.01.2016, the Court below has chosen to allow the application to condone the delay, subject to payment of cost of Rs.1,000/- to the respondent/landlord on or before 27.01.2016 and to report on 28.01.2016.

3.1. It appears that the cost was not paid in time on or before 27.01.2016 i.e., the date mentioned in the order.

3.2. The tenant/revision petitioner should have sought for extension of time before the lower Court itself, but instead of doing that, the tenant has chosen to move before this Court by way of revision.

4. Be that as it may, the fact remains that the delay is only two days. Even though there is no scope for filing this revision petition, still, considering the meager amount of delay, the order passed by the lower Court is modified extending the time for payment alone.

5. The revision petitioner is permitted to pay the cost of Rs.1,000/- to the landlord on or before 31.03.2016.

The Civil Revision petition is ordered in the above terms.
No costs. Consequently, connected miscellaneous petition is closed.

18.03.2016

ds

Note : Issue order copy today (18.3.2016)

To:

The Principal Sub Court,
Erode.

S.VIMALA,J.

ds

CRP (NPD) No.857 of 2016

18.03.2016