



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP (NPD) (MD).Nos.296 and 297 of 2016 and
CMP (MD).Nos.1171 and 1172 of 2016

Ganesan : Petitioner in both CRPs / Appellant /
Tenant

Vs.

Muthu Pandiyan : Respondent in both C.R.Ps /
Respondent / Landlord

Civil Revisions Petitions are filed under Article 227 of the constitution of India against the fair and decreetal order dated 21.09.2015 made in I.A.Nos.36 and 37 of 2015 respectively in un numbered RCAs on the file of the Rent Control Appellate Court of Sub Court, Srivilliputur, Virudhunagar.

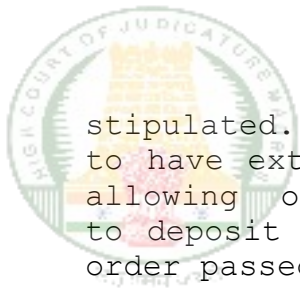
For Petitioner : Mr.M.Kalamurugappan in both CRPs
For Respondent : Mr.S.Ramesh in both CRPs

O R D E R

These Civil Revision Petitions are filed against the fair and decreetal order, dated 21.09.2015 made in I.A.Nos.36 and 37 of 2015 respectively in un-numbered RCAs, on the file of the Rent Control Appellate Court of Sub Court, Srivilliputur, Virudhunagar.

2. The respondent filed RCOP.No.8 of 2011, before the District Munsif Court, Srivilliputur on the ground of wilful default. The same was ordered. He also filed an application in I.A.No.1110 of 2013, under Section 11(4) of Tamil Nadu Buildings (Lease and Rent Control Act), 1960, for deposit of rent and the same was ordered directing the revision petitioner to deposit the entire arrears rent of Rs.27,600/- upto August 2014. Against the both orders, the revision petitioner filed two RCAs with condone delay petitions in I.A.Nos.36 and 37 of 2015 respectively, to condone the delay of 49 days in filing RCAs. The learned Appellate Judge ordered directing the petitioner to deposit a sum of Rs.35,400/- towards the arrears of rent upto August 2015 to be paid by the petitioner and cost of Rs.500/- on or before 21.09.2015 as condition for allowing the petition to condone the delay. The petitioner did not comply with the said condition. The learned Appellate Judge dismissed both the applications, against which the Civil Revision Petitions have been filed by the revision petitioner.

3. The learned counsel appearing for the petitioner submitted that order of Appellate Authority directing the petitioner to deposit the entire arrears of rent is onerous condition for condonation of delay. The wife of the petitioner suffered burnt injuries in an accident at his house. Due to the reason, he did not file RCAs within the time



stipulated. He further submitted that the learned Appellate Judge ought to have extended the time to deposit the amount and cost and prayed for allowing of the CRP. He further submitted that the petitioner is willing to deposit the entire arrears of amount up to date and cost, as per the order passed by the learned Appellate Judge.

WEB COPY

4. The learned counsel appearing for the respondent submitted that intention of the petitioner is to drag on the proceedings, filed these revisions and he failed to comply with the conditional order imposed by the learned Appellate Judge and therefore, the Civil Revision Petitions are not proper and un-sustainable and he prayed for dismissal of these revisions.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. The petitioner filed I.A.Nos.36 and 37 of 2015 for condonation of delay of 49 days. Considering the fact that the petitioner is willing to deposit the entire arrears of amount up to date and cost, it will be in the interest of Justice to allow the petitioner to conduct the case on merits, the revisions are allowed directing the petitioner to pay arrears of rent i.e a sum of Rs.39,600/- (upto March 2016) to the respondent and a sum of Rs.2,000/- to the counsel for the respondent, within a period of two weeks from the date of receipt of a copy of this order and on payment of cost and deposit of arrears of rent, both the applications are allowed and the Court concerned is directed to number the RCAs.

7. In the result, the Civil Revision Petitions are allowed and the impugned orders passed in I.A.Nos.36 and 37 of 2015 on the file of Rent Control Appellate Court of Sub Court, Srivilliputur, Virudhunagar are set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO Dept.)I/c

/True copy/

Sub Assistant Registrar

To

The Rent Control Appellate Court of Sub Court,
Srivilliputur, Virudhunagar.

+2 CC to M/S.M.KALA MURUGAPPAN, Advocate, SR No.7062 & 7063

+1 CC to Mr.V.RAGHAVACHARI, Advocate, SR No.7389

CRP (NPD) (MD) .Nos.296 and 297 of 2016 and

CMP (MD) .Nos.1171 and 1172 of 2016

05.02.2016

trp

SH/MPA:23.02.2016:2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>