

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(NPD) NO.2626 OF 2017

AND

CMP NO.12516 OF 2017

V.Senthamizselvan

... Petitioner

Vs.

P.Gurumoorthy

... Respondent

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Building Lease and Rent Control Act, 1960 against the docket order dated 19.07.2017 made in C.A.4335 in I.A.No.4 of 2016 in Unnumbered R.C.A.No..... of 2016 on the file of the Appellate Authority cum Subordinate Judge, Cuddalore.

For Petitioner : Mr.T.Dhanasekaran

ORDER

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The tenant is the revision petitioner. The landlord / respondent has filed an interlocutory application under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. The Rent

Controller has passed the conditional order and the same was not complied with and therefore, further proceedings were stopped and eviction was ordered.

2. The revision petitioner has filed an appeal against the order passed in the main RCOP and did not prefer any appeal against the order passed in the interlocutory application filed under Section 11(4) of the Act. At a later point of time, the revision petitioner had withdrawn the appeal filed against the order passed in the main RCOP and filed an appeal against the order passed under Section 11(4) of the Act with a delay of 427 days. The condone delay petition was dismissed for default on 10.11.2016. Therefore, he filed a petition to restore the petition to condone the delay. The respondent endorsed no objection and on 17.04.2017, the petition to restore the condone delay petition was allowed and the matter was posted for enquiry on 06.06.2017.

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3. In the meanwhile, the respondent / landlord filed an execution petition and it was posted for enquiry. The petitioner / tenant claims that delivery order has been passed and hence, he preferred the

above Civil Revision Petition for early disposal of the condone delay petition. In fact, this Civil Revision Petition is filed against the return of the copy application made by him on 17.07.2017. There is no relevance between the order sought for in the interim application and the main Civil Revision Petition.

4. However, considering the oral submissions made by the learned counsel for the petitioner / tenant, a direction is issued to the learned Rent Control Appellate Authority / Sub Judge, Cuddalore, to dispose of I.A.No.4 of 2016 in Unnumbered RCA No.. of 2016 within a period of one month from the date of receipt of a copy of this order.

5. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected civil miscellaneous petition is closed.

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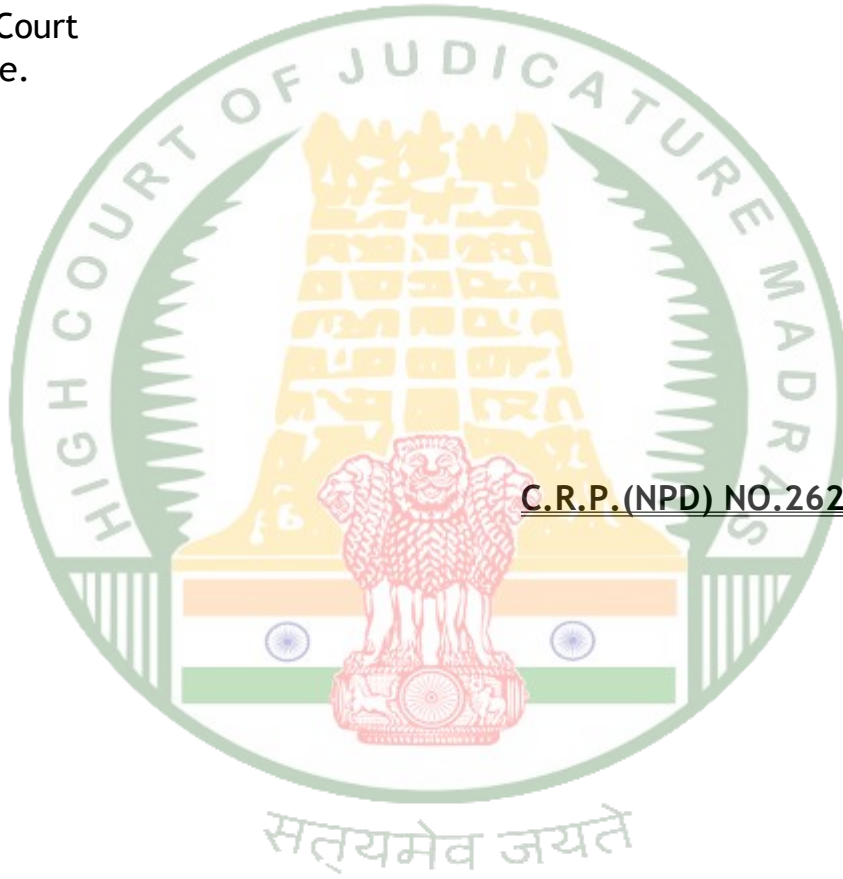
Index : Yes/No
Internet : Yes/No
Note : Issue order copy on 27-10-2017
KAS/TK

M.GOVINDARAJ, J.

KAS/TK

To

The Sub Court
Cuddalore.



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