

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

**CRP(NPD)Nos.1204 and 1205 of 2011
and
M.P.Nos.1 and 1 of 2011**

1.Saraswathi Kailasam

2.Lakshmi Vaithiyanathan
rep. By her Power Agent A.S.Kailasam

3.A.S.Subramanian .. Petitioners in both the CRPs

Vs.

Madras Race Club,
Rep. by its Secretary,
Guindy,
Chennai-600 032.

.. Respondent in both the CRPs

Common Prayer: Civil Revision Petitions filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act 1960, as amended by Act 1 of 1980, against the Fair and Decreetal order of the VIII Small Causes Court at Chennai, dated 29.01.2011 in M.P.Nos.294 and 295 of 2007 in RCA.No.80 of 1994 respectively.

For Petitioners : Mr.P.Valliappan

For Respondent : Mr.AR.L.Sundaresan, Senior counsel
for M/s.L.Dhamodaran

ORDER

The respondents/respondents/landlords are the civil revision petitioners before this Court, challenging the common order passed in M.P.Nos.294 and 295 of 2007 in RCA.No.80 of 1994, dated 29.01.2011, on the file of the VIIIth Judge, Small Causes Court, Chennai.

2.It is the case of the respondent/petitioner/tenant (herein after called tenant) Madras Race Club that they are the tenant under these petitioners/landlords (herein after called landlords).

3.Originally the tenant Madras Race Club was managed by the club. In the year 1986, the Government of Tamil Nadu by virtue of a legislation by Act No.26 of 1986 viz. the Madras Race Club (Acquisition and Transfer undertaken) Act 1985 took over the Management of Club on 19.04.1986 onwards. By virtue of the Act all the properties including lease hold right of the petitioner club vested

with the Government. The Government of Tamil Nadu has appointed a custodian to administer the Madras Race Club.

4. Thereafter, the tenant Madras Race Club challenging the Act No.26 of 1986 before this Court and thereafter before the Hon'ble Supreme Court and the Hon'ble Supreme Court was pleased to declare the acquisition of Madras Race Club vide Madras Race Club (Acquisition and Transfer of Undertaking) Act 1986 is ultra virus to the Constitution of India and directed the Government of Tamilnadu to hand over the management of the functioning of the club to a duly constituted Management Committee under the Memorandum and Articles of Association of the petitioner Club. Pursuant to the said order of the Hon'ble Supreme Court, the Management of the Madras Race Club reverting back to the present management during 1997.

5. It is the further case of the tenant club that at the time of handing over of the management the custodian who was in charge from 1986 to 1996, did not hand over the files or inform the Management committee of the tenant Club about the pendency of the Rent Control proceedings said to have been initiated by the landlords against the tenant Club. The counsel engaged by the custodian who was prosecuting the legal disputes of the Race Club also did not

intimate the details of cases filed against the club and the status and factual position of the cases, which were filed against the tenant club. Even though the tenant club reverted back to the present management, the present management is unaware of the litigations. It is the further case of the tenant that one Mr.Kalid A.K.Bukari and 7 others claimed to have purchased the property were filed M.P.No.69 of 2000 in unnumbered E.P. on the file of the XVIth Judge, Small Causes Court, Chennai, seeking permission to execute the decree of eviction said to have been passed in RCOP.No.2192 of 1987, which actually took place at the time when the Race club was vested with the Government and administered by the custodian appointed by the Government.

6.On receipt of the notice, the tenant club has entered appearance through previous counsel in the execution proceedings, which was later numbered as E.P.No.504 of 2000 and the said execution proceedings, the tenant club has strongly contested the alleged assignment claimed by the 3rd parties to execute the decree in RCOP.No.2192 of 1987.

7.It is the further case of the tenant is that the previous counsel

engaged by the tenant club did not guide them in a proper manner and only defended the execution proceedings. Therefore, the tenant club has engaged their present counsel and only thereafter the present counsel after going through the records informed them about the filing of the RCOP.No.2192 of 1987 by the landlords for eviction and the rent control appeal filed against it by the custodian bearing number in RCA.No.123 of 1994 on behalf of the tenant club, which came to be dismissed for default on 20.03.1997 for non compliance to carrying out the amendment in RCA.No.123 of 1994. Pursuant to the orders to implead the 3rd party purchasers, it is also stated by the tenant that the present management of the tenant club did not aware of the RCA.No.80 of 2004 said to have been filed against the order of fixation of fair rent passed in RCOP.No.2191 of 1987 filed by the landlords.

8.The tenant further states that immediately on knowing about the dismissal of RCA.No.123 of 1994, the tenant club has filed two petitions in M.P.Nos.112 of 1994 in RCA.No.123 of 1994 bearing M.P.Nos.569 and 570 of 2001 in RCA.No.123 of 1994, which came to be dismissed after contest, against which the tenant club filed civil revision petition bearing CRP.No.728 of 2003, before this Court and

obtained the order of stay of eviction in E.P.No.504 of 2000 in RCOP.No.2192 of 1987. Though the legal proceedings arising out of eviction in RCOP.No.2192 1987 was contested by the landlords as well as the 3rd party purchasers namely Mr.Khalid A.K.Bukari and 6 others who had sought to execute the order of eviction in RCOP.No.2192 of 1987 in E.P.No.504 of 2000 and eventhough both the parties have filed their pleadings in various applications in various stages did not made a single paper with regard to the alleged fair rent proceedings, the tenant also states that on the advice of their present counsel, their counsel also could not able to go through the entire Court records and after much efforts their counsel also could be able to verify from the numbering diary maintain in the registry and come to know that against the order passed in M.P.No.169 of 1992 in RCOP.No.2191 of 1987, a rent control appeal bearing RCA.No.80 of 1994 was filed and came to be dismissed for default on 27.08.1998.

9.The tenant also states that they did not know as against which order and for what reason the appeal is came to be filed and latter came to be dismissed for default on 27.08.1998. Even then in order to avoid the legal complications with regard to filing of petition for restoration, it is alleged by the tenant that on the advise by their counsel to file the present application based on the averments made

in the unnumbered CMPs served by the 3rd party purchasers and the details of order of dismissal found in the rent control appeal numbering reference book.

10.The tenant has filed two applications in M.P.No.294 of 2007 for stay of all further proceedings in RCOP.No.2191 of 1987 and M.P.No.295 of 2007 for condoning the delay of 2630 days in filing the petition to restore the RCA.No.80 of 1994. On knowing about the dismissal of RCA.No.80 of 1994 for default, the tenant has filed the application for condoning the delay of 2630 days in filing the petition to restore the RCA.No.80 of 1994 by way of abundant caution. The tenant also states that even the delay in filing petition for restoration of RCA.No.80 of 1994 is neither wilful nor wanton, but for the reasons which are beyond their knowledge and control which are narrated above. The tenant also states that they are having a good case on merits and therefore, they prayed the appellate Court viz. VIIIth Judge, Small Causes Court, Chennai, to condone the delay of 2630 days in filing petition to restore the RCA.No.80 of 1994, which was dismissed for default on 27.08.1998.

11.On receipt of the notice, this petitioners, who are the

landlords have filed their detailed counter stating that it is the main argument of the tenant club for the delay in filing the applications, the management of the tenant club is taken over the management of the Club, and did not prosecute the above appeals properly, but the landlord states that it will not help the tenant in any way in the present case, because the Madras Race Club (Acquisition of Undertakings) Act, was struck down by the Hon'ble Supreme Court of India in the year 1997 itself. As per the judgment of the Hon'ble Supreme Court, the management was forthwith verify and the handed back to the tenant, by the then Committee headed by Mr. Justice S. Natrajan. The landlord also states that there is no allegation in the affidavit that Justice S. Natrajan, headed by the committee had committed any delay in handing over the management to the tenant club. As a matter of fact and law, the management of the club was handed over back to the tenant immediately after the Judgment of the Hon'ble Supreme Court. Long after the petitioners regained management of the tenant club, the present appeal in RCA was dismissed for default on 27.08.1998. Therefore, the main contention of the tenant that they were not able to effectively prosecute the appeal and that they were in dark about the fate of the appeal is an absolute falsehood.

12.The landlord also states that the tenant, which was aggressively contesting the case at all stages, with full knowledge of all of the facts, also filed a revision in CRP.No.1123 of 2001 before this Court, which was dismissed on 26.06.2001 and further appeal was filed before the Hon'ble Supreme Court in SLP.No.14937 of 2001, which also came to be rejected by the Hon'ble Supreme Court on 14.09.2001. Thereafter, in August 2001, a petition was filed to restore the RCA.No.123 of 1994 prepared against the eviction order and all of these steps were undertaken by the new counsel of the tenant club. Therefore, the tenant was aware at the relevant time about the above RCA is totally false. The landlord also states that the tenant remained without bothering to take any steps to restore the RCA.No.80 of 1994 or even to pay the fair rent as adjudicated by this Court. Though the learned VIII Judge, Small Causes Court has rejected the application in M.P.No.568 of 2001 to restore RCA.No.123 of 1994 by the civil revision petitioner filed before this Court, which came to be allowed on 18.01.2007, there was a delay therein was only a very small delay compared to the present huge delay of 2630 days.

13.It is the case of the landlord that even after all of these events occurred, no steps were taken by the tenant and an utterly lackadaisical approach was adopted and the present restoration

petition has been filed only in December 2005, for which there is absolutely no explanation. Each and every day's delay has not been properly explained. Therefore, the tenant has not shown sufficient cause for condoning the enormous delay of 2630 days, in seeking to restore the appeal in RCA.No.80 of 1994. Therefore, the landlord prays the learned VIIIth Judge, Small Causes Court, to dismiss the petition in M.P.No.294 of 2007 in RCA.No.80 of 1994.

14.Considering both side cases, the learned VIIIth Judge, Small Causes Court was allowed the M.P.Nos.294 and 295 of 2007 in RCA.No.80 of 1994 on 29.01.2011, on condition that the tenants should pay a sum of Rs.10,000/- each to the landlord on or before 17.02.2011, failing which the order will stands automatically as cancelled.

15.The learned Judge has given reason that though the delay was already condoned by this Court in the revision in C.R.P.No.738 of 2003 and the learned Judge also states that the facts of the dismissal of the appeal would come to the tenant's knowledge only when the enquiry conducted in the civil revision petition in CRP.No.738 of 2003 and hence they filed the application in M.P.Nos.294 of 2007 and 295 of 2007 to condone the delay along with

the restoration petition. However, the respondents are conducting the case for more than 20 years. Therefore, the tenant should be compensated in terms of money and accordingly imposed the condition to pay a sum of Rs.10,000/- each. Challenging the said order, the landlord has filed the present Civil Revision Petitions in CRP(NPD)Nos.1204 and 1205 of 2011 before this Court.

16.I heard Mr.P.Valliappan, learned counsel appearing for the petitioners and Mr.AR.L.Sundaresan, learned senior counsel, for M/s.L.Dhamodaran, learned counsel appearing for the respondent and perused all the materials available on record.

17.It is the case of the landlord is that against the order of the RCOP.No.2192 of 1987 the Rent Control Appeal in RCA.No.80 of 1994, was filed by the tenant club, but the said RCA was dismissed for default on 27.08.1998. The case of the tenant club is that the RCA.No.80 of 1994 was filed by the custodian appointed by the Government of Tamil Nadu and the tenant club was under the Management of the custodian as per the order of the Government of Tamilnadu in Act 26 of 1986, the present Management of the club was informed properly.

18. When the Hon'ble Supreme Court, struck down the said Act 26 of 1986, the management of the tenant club was handed over to the present management in the year 1997 only. Therefore, they have no knowledge and in fact they unaware of the litigation pending between the tenant club with the landlords. Though the RCA.No.80 of 1994 was dismissed for default on 27.08.1998, but, the application was filed only in the year 2007.

19. The management was handed over as per the orders of the Hon'ble Supreme Court by the Government of Tamilnadu in the year 1997 itself and during the said period, the RCA.No.80 of 1994 was pending before the learned VIIIth Judge, Small Causes Court, Chennai. Knowingly or un-knowingly and the case in RCA.No.80 of 1994 was pending before the Court concerned, which was filed by the tenant club. But, after one year i.e. on 27.08.1998, the said RCA was dismissed for default, but it is the case of the tenant club the present management was took charge only in the year 1997. Therefore, they filed the above two applications in MP.No.294 of 2007 for stay of all further proceedings of RCOP.No.2191 of 1987 and M.P.No.295 of 2007 for condoning the delay of 2630 days in filing the petition to restore the appeal.

20. When the tenant club came to the present management of the tenant club in the year 1997 itself as per the orders of the Hon'ble Supreme Court, but more than 10 years, the tenant club has not taken any steps to file the application for restoring the RCA.No.80 of 1994, which was dismissed for default on 28.08.1998. In fact, the tenant club has filed the said application in M.P.Nos.294 and 295 of 2007 only on 07.12.2005 i.e., after eight years. The tenant club himself stated that they know about the civil revision petition filed in CRP.No.738 of 2003 before this Court. But the tenant club has not given any valid reason for non filing the petition for restoration from 1998 till 2005 except the reason that they unaware the rent control proceedings filed by this landlord against the tenant club which is not at all acceptable one. Because, no common man should keep quiet for more than eight years, when the eviction proceedings are pending against him.

21. The case in hand, it is a club running for several decades were simply states that they were put in dark and they have no knowledge about the eviction proceedings filed by the landlords. When the petition to condone the delay was taken up, the learned VIIIth Judge, Small Causes Court, Chennai has taken into consideration of the application and the order passed by this Court in the case reported in **2007 (2) CTC 58** by stating that liberal

approach while dealing with an application to condoning the delay.

22. In fact, the Hon'ble Apex Court was pleased to dismiss even for a delay of 1727 days, but this is the huge delay of 2630 days in filing the restoration application. The landlord states that as per the order of the Government of Tamilnadu by Act No.26 of 1986 the management club was originally managed by them. But, subsequently as per the order of the Hon'ble Supreme Court, the tenant club was given back the present management in the year 1997 itself. But, the reason given by the tenant that the management of the custodian, who was in charge from 1986 to 1996 was not handed over the files or inform the management committee of the tenant club about the pendency of Rent Control proceedings said to have been initiated by the landlord against the tenant club is not acceptable one. Even though the tenant club reverted back to the present management, the present management is unaware of the litigations are false one and it cannot be believed by a common man.

23. In a recent judgment of the Hon'ble Supreme Court in the case in condone delay petition very categorically held that the person, who filed the application to condone the delay should give the proper reason for each and every day delay, but the present case in hand for

more than eight years, the tenant club has not given any valid reason and the reason given by the tenant club is that the custodian of the management club appointed by the Government of Tamilnadu has not handed over the bundle and also not informed the case particulars is unacceptable one and the order of the learned VIIIth Judge, Small Causes Court, Chennai, in allowing the condone delay petition is totally wrong.

24. The Hon'ble Supreme Court in a case of ***Esha Bhattachrjee v. Managing Committee of Raghunathpur Nafar Academy and others*** reported in ***(2013) 12 SCC 649***, the Hon'ble Supreme Court has directed the Courts below to follow the point while considering the condone delay petition:

“21. From the aforesaid authorities the principles that can broadly be culled out are:

21.1. (i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.

21.2. (ii) The terms “sufficient cause” should be understood in their proper spirit, philosophy and purpose

regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the obtaining fact-situation.

21.3. (iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.

21.4. (iv) No presumption can be attached to deliberate causation of delay but, gross negligence on the part of the counsel or litigant is to be taken note of.

21.5. (v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.

21.6. (vi) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.

21.7. (vii) The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play.

21.8. (viii) There is a distinction between inordinate delay and a delay of short duration or few days, for to the

former doctrine of prejudice is attracted whereas to the latter it may not be attracted. That apart, the first one warrants strict approach whereas the second calls for a liberal delineation.

21.9. (ix) The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.

21.10. (x) If the explanation offered is concocted or the grounds urged in the application are fanciful, the courts should be vigilant not to expose the other side unnecessarily to face such a litigation.

21.11. (xi) It is to be borne in mind that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of law of limitation.

21.12. (xii) The entire gamut of facts are to be carefully scrutinised and the approach should be based on the paradigm of judicial discretion which is founded on objective reasoning and not on individual perception.

21.13. (xiii) The State or a public body or an entity representing a collective cause should be given some acceptable latitude.

22. To the aforesaid principles we may add some more guidelines taking note of the present day scenario. They are:

22.1. (a) An application for condonation of delay should be drafted with careful concern and not in a haphazard manner harbouring the notion that the courts are required to condone delay on the bedrock of the principle that adjudication of a lis on merits is seminal to justice dispensation system."

25. The Hon'ble Apex Court time and again directed the parties to give proper explanation for each and every day delay, but they were not given any proper reasons in this case. During the course of arguments the learned counsel appearing for the petitioners has produced two judgments referred by this Court is as follows:-

- (1) ***Subramaniam and another v. K.Veerakumar reported in 2014 (2) MWN (Civil) 74***
- (2) ***Mariappan v. Prema and others reported in 2013 (2) MWN (Civil) 347***

26. In the case cited supra, this Court reported in **2014 (2) MWN (Civil) 74**, there was a delay of 190 days in filing the Petition under Order 9 Rule 13. In other case, it is a delay of 183 days in filing the application under Order 9 Rule 13 for setting aside the ex parte decree, but in both cases, this Court confirmed the dismissal of the application filed by the respective parties.

(1) In the case reported in **2014 (2) MWN (Civil) 74**, this Court has stated the reasons as follows:

“13. It is a settled legal principle that law of limitation is founded on Public Policy not meant to destroy rights of parties, but to see that the parties do not resort to dilatory tactics. Likewise, it has been held that liberal approach in considering an Application under Section 5 of the Limitation Act should not override the substantial law of limitation and no premium can be given for lethargic attitude or utter negligence.

14. Bearing these settled legal principles in mind, if the case on hand is examined, the only answer that could be given is that the plea of the Petitioners lacks *bona fide*. Such conclusion is

supported by following reasons.

15. As pointed out by the Respondent in the Counter filed in I.A.No.1175 of 2009, the Petitioner participated in the proceedings before the Revenue Court at Bhavani by appearing before the said Court in T.R.No.20 of 2007 on 29.6.2009, 6.7.2009, 28.8.2009, 7.9.2009 & 14.9.2009. That apart, the Second Petitioners had participated in the proceedings in O.S.No.284 of 2007, on the file of the District Munsif Court, Bhavani on several dates between the period 4.6.2009 and 11.9.2009. Apart from that in another Suit in O.S.No.308 of 2007, the Second Petitioner has appeared and given oral evidence in the said Suit during the period from 16.6.2009 to 31.8.2009. That apart Affidavits have been filed in other Suits and oral evidence have also been given on 1.9.2009, 7.9.2009, 9.9.2009 & 14.9.2009. Further, in the Final Decree proceedings in the present Suit also, the Petitioners have entered appearance through Counsel and filed Counter. Therefore, the plea raised by the Petitioners in the Affidavit stating that on account of ill-health, they

could not contact their Counsel and only on 2.12.2009, they were able to contact their Counsel lacks *bona fide*. That apart their conduct clearly shows gross negligence and their actions were deliberate in not defending the matter. In such circumstances, the Trial Court was fully justified in rejecting the Petition. Further, the Petitioners were unable to establish before the Court about the sickness by producing any record or evidence.

16. Thus the Petitioners having been guilty of gross negligence and laches, this Court has no hesitation to hold that the Petitioners have not shown sufficient cause for condonation of delay. Accordingly, the Civil Revision Petition fails and it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed."

(2) In the case reported in **2013 (2) MWN (Civil) 347**, this Court has stated the reasons as follows:

"6. The learned Counsel for the Petitioner / 2nd Defendant would place reliance upon the decision of the

Honourable Supreme Court reported in G.P.Srivastava v. R.K.Raizada and others, 2000 (3) SCC 54, wherein it has been held as follows:

“Under Order 9, Rule 13, C.P.C. an ex parte decree passed against a Defendant can be set aside upon satisfaction of the Court that either the summons were not duly served upon the Defendant or he was prevented by any “sufficient cause” is shown for non-appearance of the Defendant in the case on the date of hearing, the Court has no power to set aside an ex parte decree. The word ‘was prevented by any sufficient cause from appearing’ must be liberally construed to enable the Court to do complete justice between the parties particularly when no negligence or inaction is imputable to the erring party. Sufficient cause for the purpose of Order 9, Rule 13, has to be construed as an elastic expression

for which no hard and fast Guidelines can be prescribed. The Courts have a wide discretion in deciding the sufficient cause keeping in view the peculiar facts and circumstances of each case. The "sufficient cause" for non-appearance refers to the date on which the absence was made a ground for proceeding ex parte and cannot be stretched to rely upon other circumstances anterior in time. If "sufficient cause" is made out for non-appearance of the Defendant on the date fixed for hearing when ex parte proceedings were initiated against him, he cannot be penalized for his previous negligence which had been overlooked and thereby condoned earlier. In a case where the Defendant approaches the Court immediately and within the statutory time specified, the discretion is normally exercised in his favour,

provided the absence was not mala fide or intentional. For the absence of a party in the case the other side can be compensated by adequate costs and the lis decided on merits."

7. In the above said case, the ex parte decree was passed on 10.3.1983 and Application for setting aside the ex parte decree was filed on 7.4.1983 within 30 days. However, it was dismissed by the Trial Court assigning reason that the Medical Certificate filed by the Appellant therein was not from the Government Doctor, but from a private Doctor. The High Court also dismissed the Revision filed by the aggrieved party. The Honourable Supreme Court, on further Appeal, allowed the Appeal stating that sufficient cause has been made for non appearance of the Defendant therein on the date fixed for hearing and he cannot be penalized for any previous negligence, which had been overlooked, and thereby condoned the delay. Further it is observed that in the case where Defendant approaches the Court immediately and within the stipulated time specified, the discretionary power is exercised in his favour treating the absence as

not made intentionally.

8. The facts in the said case are different from the facts of the present case. In the present case, in earlier occasion also there was a delay of nearly 6 months and the Court condoned the delay on Application. In the present occasion also, the Defendants have come forward with Application for condonation of delay of 183 days. They have not shown sufficient reasons for the delay in approaching the Court within the statutory time specified. When the 2nd Defendant was unable to contact his Advocate, there is no embargo for the Defendants 1 & 3 to contact their Advocate. Further, the period of illness is absent in the Application. Under these circumstances, the Petitioner could not take recourse to the benefit of the above said decision of the Honourable Supreme Court. The delay of six months on the part of the Petitioner shows their indifference towards the Court proceedings, because the case was in part heard stage. PW1 was examined in chief and was to be cross-examined by the Defendants and at that stage, they were absent.

9. The Court expects the parties to be vigilant and sensitive on the proceedings of the Court and when the case was in the part heard stage, it is the duty of the parties to follow the conduct of the case and contact their Advocate also to know about the stage of the case. But, the Defendants have failed to follow the proceedings because of their lethargic attitude. It is well settled principle that the length of the delay is not material, but whether the delay has been sufficiently explained has to be looked into.

10. Considering the facts and circumstances of this case, this Court is of the view that the delay remains unexplained and the Petitioner is to be non-suited for the relief prayed for. There is no valid ground made out to interfere with the order passed by the Court below, which deserves to be confirmed. Accordingly, the impugned order of the Court below is confirmed.”

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27. Considering all the above facts and the orders of the Hon'ble Supreme Court and the reasons assigned by the Tenant Club for the huge delay on 2630 days, the tenant club has not given any valid reasons except the above management taken over by the Government

of Tamil Nadu and later on handing over the management in the year 1997 and till 2005 they have no knowledge about the litigation pending between the tenant club and the landlords, which is totally unacceptable one. When the exparte decree was passed long back, the tenant club cannot say that they have no knowledge for more than 2630 days delay, the learned VIIIth Judge, Small Causes Court, Chennai, has also not gone through the material facts mentioned supra and there was no reason for the huge delay for 2630 days and the learned Judge accepting the reason given by the petitioner/tenant that they have no knowledge about the litigation pending between the tenant club and the landlords, which is not at all satisfactory one. Therefore, this Court find that there is irregularity and illegality in the said order in M.P.Nos.294 and 295 of 2007 and this Court warranting necessity in interference in the said orders. Accordingly, this Civil Revision Petition is liable to be allowed by setting aside the order passed in M.P.Nos.294 and 295 of 2007 in RCA.No.80 of 1994.

28.In the result, both the Civil Revision Petitions are allowed by setting aside the order passed in M.P.Nos.294 and 295 of 2007 in RCA.No.80 of 1994 respectively, dated 29.01.2011, on the file of the learned VIII Small Causes Court at Chennai. Consequently, connected miscellaneous petitions are closed. No costs.

05.07.2017

Note: Issue order copy on 24.07.2017.

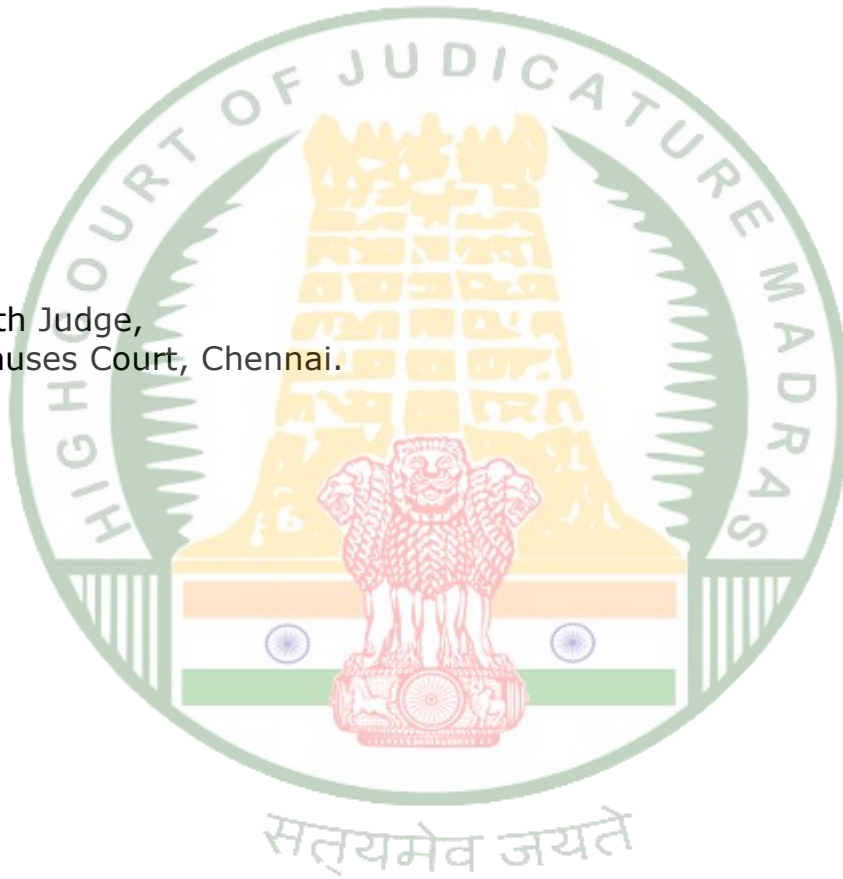
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Speaking Order

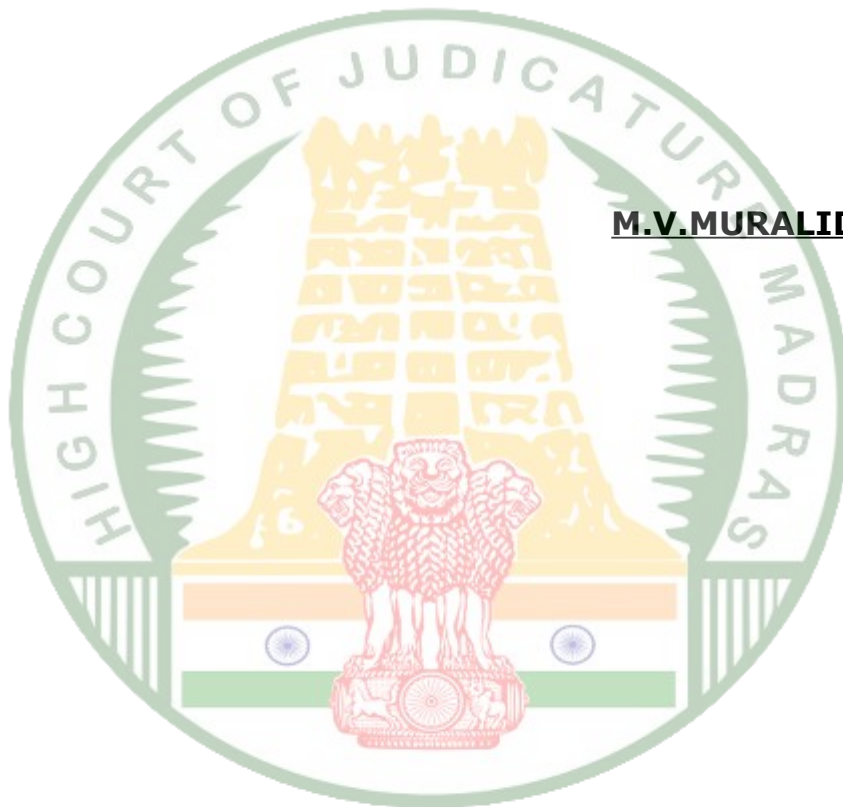
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To

The VIIIth Judge,
Small Causes Court, Chennai.



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M.V.MURALIDARAN, J.

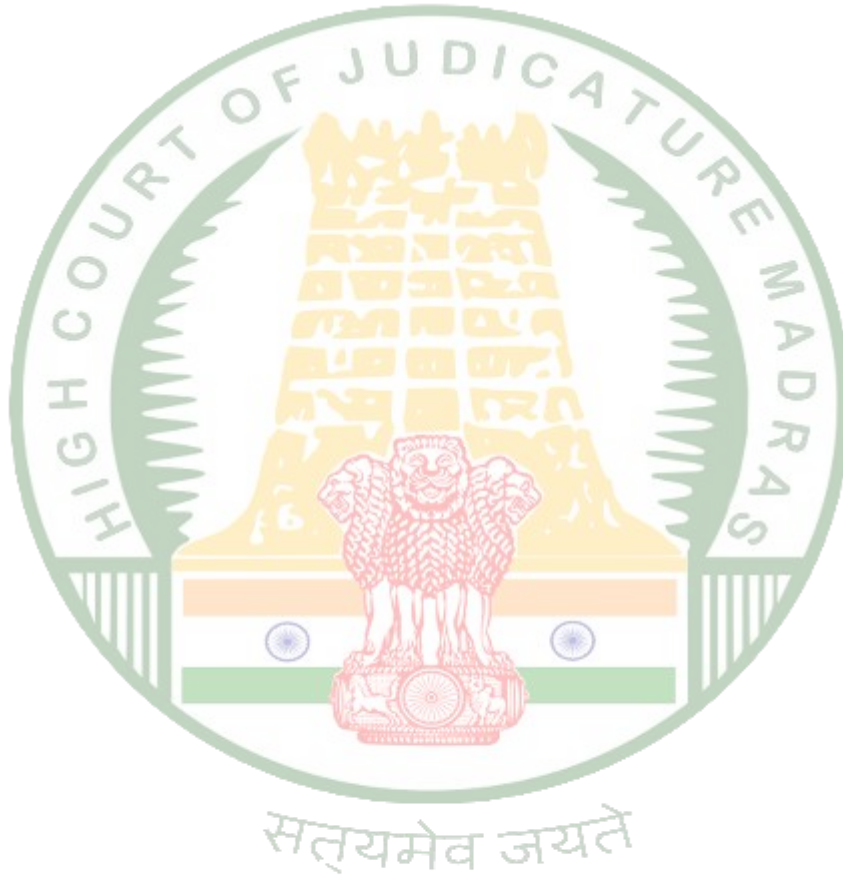
VS

Pre-Delivery order made in
CRP(NPD)Nos.1204 and 1205 of 2011
and

M.P.Nos.1 and 1 of 2011

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05.07.2017



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