



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

CORAM :

THE HONOURABLE DR.JUSTICE **G. JAYACHANDRAN**

C.M.P(MD)No.3466 of 2017

and

C.R.P(MD) SR No.14237 of 2012

Narayansamy

... Petitioner/Petitioner

Vs.

1.Seethai Achi

2.Andiappan

3.Saraswathi

4.Singamuthu

5.Singammal

... Respondents/Respondents

Prayer in C.M.P(MD)No.3466 of 2016: Civil Miscellaneous Petition filed under section 5 of Limitation Act, to condone the delay of 282 days in filing the above petition to set aside the order dated 02.06.2016 in C.M.P(MD) No.5439 of 2016 in C.R.P(MD)SR.No.14237 of 2012.

Prayer in C.R.P(MD) SR No. 14237 of 2016:Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease & Rent control) Act 1960, to set aside the fair and decreetal order passed in R.C.A.No.4 of 2006 dated 28.11.2011 on the file of the Rent Control Appellate Authority / Subordinate Judge, Pudukkottai in R.C.O.P.No.17 of 2003 dated 13.12.2005 on the file of the Learned Rent Controller/ Additional District Munsif, Pudukkottai by allowing this Revision.

For Petitioner : Mr.G.Mathavan

ORDER

The landlord who lost his case for eviction of the tenant in both the Courts below, has preferred this revision petition.

2.Initially, the Registry has returned the papers to the counsel indicating certain defects. After curing defects, the revision petitioner has re-presented the papers with the delay of 1359 days along with the condone delay petition.

3.This Court allowed that petition by order dated 02.06.2016 on condition that the petitioner shall pay cost of Rs.5,000/- to the High Court Legal Service Authority within a period of one week from the date of receipt of a copy of this order, failing which, the petition shall stand dismissed without reference to this

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

4.In spite of the above said conditional order, the petitioner herein failed to comply with the said order, by paying



cost of Rs.5,000/- to the High Court Legal Service Authority within the time stipulated. Hence the petition stood dismissed.

5.Now, the petitioner has taken out the application C.M.P(MD) No.3466 of 2017 to condone delay of 282 days in filing the petition to set aside the order dated 02.06.2016 and restore C.M.P (MD)No.5439 of 2016 in CRP(MD)No.SR14237 of 2012.

6.The reason stated by the revision petitioner for not abiding the condition imposed by the Court is that the money was entrusted to the Advocate Clerk who has taken away the money without depositing the same to the Legal Service Authority as directed by this Court on 02.06.2016.

7.This Court is not convinced by the reason given by the petitioner for condoning the delay of 282 days. The reason that the Advocate Clerk has cheated and misappropriated the money cannot be a ground for condoning the delay and this Court is not a playground for such litigant who takes the order of this Court lightly and thereafter come to this Court seeking indulgence of this Court to excuse the delay with unbelievable story.

8.Under such circumstances, this Court is of the view that the petitioner herein does not deserve the sympathy of this court any further. Hence, this petition is dismissed with the cost of Rs.500/- by paying to the High Court Legal Service Authority. Consequently, the Civil Revision Petition is rejected at the SR stage itself.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1 The Learned Rent Controller/
Additional District Munsif,
Pudukkottai.
 - 2 The Rent Control Appellate Authority/
Subordinate Judge, Pudukkottai.
 - 3 The Legal Service Authority,
Madurai Bench of Madras High Court, Madurai.
- +1CC to M/S.G.Mathavan, Advocate, SR.No. 53283

C.M.P (MD) No.3466 of 2017

and

C.R.P (MD) SR No.14237 of 2012

20.04.2017