

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.1096 of 2018

and

CMP.No.5758 of 2018

M/S.Micro Inks Ltd,
Rep.by its Director
S.J.Angne

.. Petitioner

Vs

1. S.Rampprasadh
2. S.Shivpprasadh

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India pleaded to set aside the order and decretal order dated 06.02.2018 made in M.P.No.210 of 2017 in R.C.O.P.No.681 of 2014 on the file of the XII Judge, Court of Small Causes (Rent Controller), Chennai and thereby allow the present Civil Revision Petition.

For Petitioner : Mr.R.Thiagarajan

For Respondent 1 : Mr.T.V.Ramanujam, Senior Counsel
for Ms.Ramya

ORDER

According to the petitioner, the respondents have filed R.C.O.P.No.681 of 2014 on the file of the XII Judge, Court of Small

Causes, Chennai.

2. The revision petition as against 2nd respondent is given up and endorsement to that effect has been made by the learned counsel for the petitioner.

3. The aforesaid R.C.O.P was posted for enquiry on 16.03.2016, and the petitioner did not appear on the hearing and therefore, an ex-parte decree was passed on 16.03.2016. The petitioner has filed an application to condone the delay of 42 days in filing the application to set aside the ex-parte decree dated 16.03.2016 in R.C.O.P.No.681 of 2014 for fixing the fair rent in respect of the petition premises. The aforesaid application was dismissed by the Court below. Hence the present CRP has been filed.

3. The learned counsel for the petitioner would submit that the petitioner has filed this application for condoning the delay in filing the application with satisfying reasons for non appearance of the petitioner before the Court below. In the aforesaid application, it is specifically stated by the revision petitioner that the staff in the petitioner's office handed over the notice to the second respondent and

the same was not brought to the knowledge of the petitioner's management. Thereafter, on verification, they came to know about the entire process of litigation that had taken place. In this process there is a delay of 421 days to set aside the ex-parte order. Therefore, an opportunity has to be granted to the petitioner to adjudicate R.C.O.P. on merits.

4. The learned Senior Counsel appearing for the respondent fairly submitted that R.C.O.P., has been filed in the year 2014. Further, in order to avoid any further delay in the rent control proceedings, the respondent has no objection in allowing the civil revision petition subject to imposing costs on the revision petitioner.

5. In view of the aforesaid submission, made by the learned Senior Counsel for the respondent and by consent of parties, this Court is inclined to pass the orders:-

i) The order passed in M.P.No.210 of 2017 dated 06.02.2018 is set aside, subject to payment of cost of Rs.10,000/- (Rupees ten thousand only) by the petitioner to the respondents and Rs.5,000/- (Rupees five thousand only) to the Tamilnadu Mediation and conciliation Centre, within a period of two weeks from the date of

receipt of a copy of this order.

ii) In the event of the conditional order has been complied with, the Rent Control Authority is directed to dispose of the R.C.O.P.No.681 of 2014 on merits and in accordance with law as expeditiously as possible, preferably on or before 30.07.2018.

iii) Both the parties shall co-operate for disposal of the R.C.O.P.

iv) The learned Senior Counsel also brought to the notice of this Court, that there is a change in the name of the Company, it is open to the petitioner to file appropriate memo before the Court below, if so advised, within a period of two weeks.

6. The Civil Revision Petition is allowed with the above directions.

सत्यमेव जयते

19.03.2018

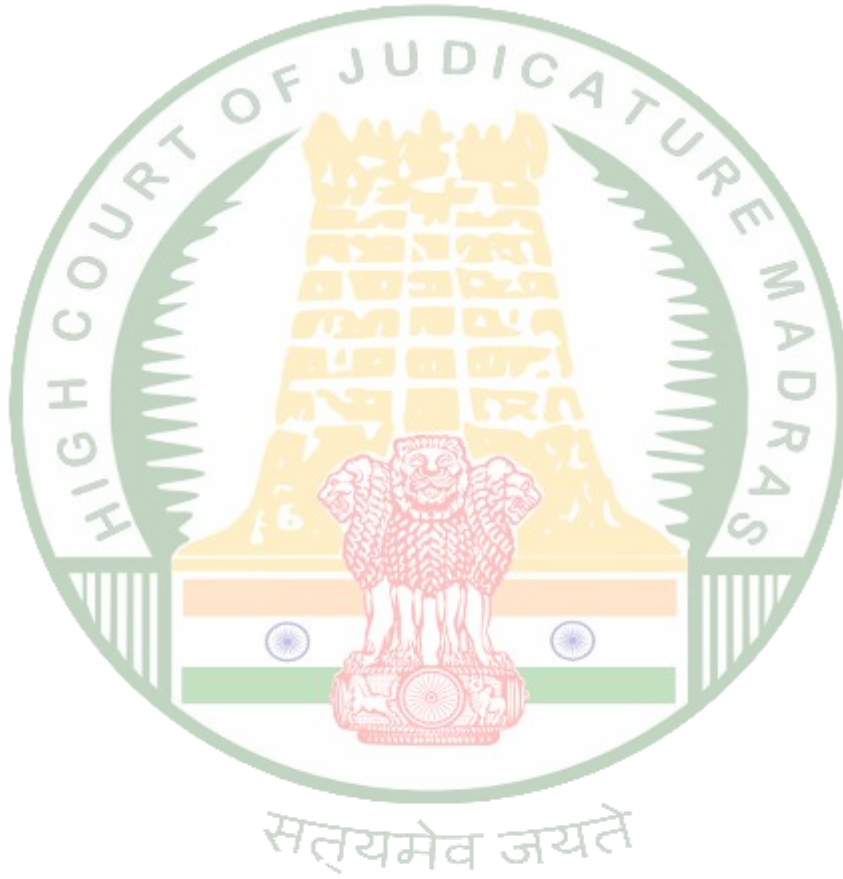
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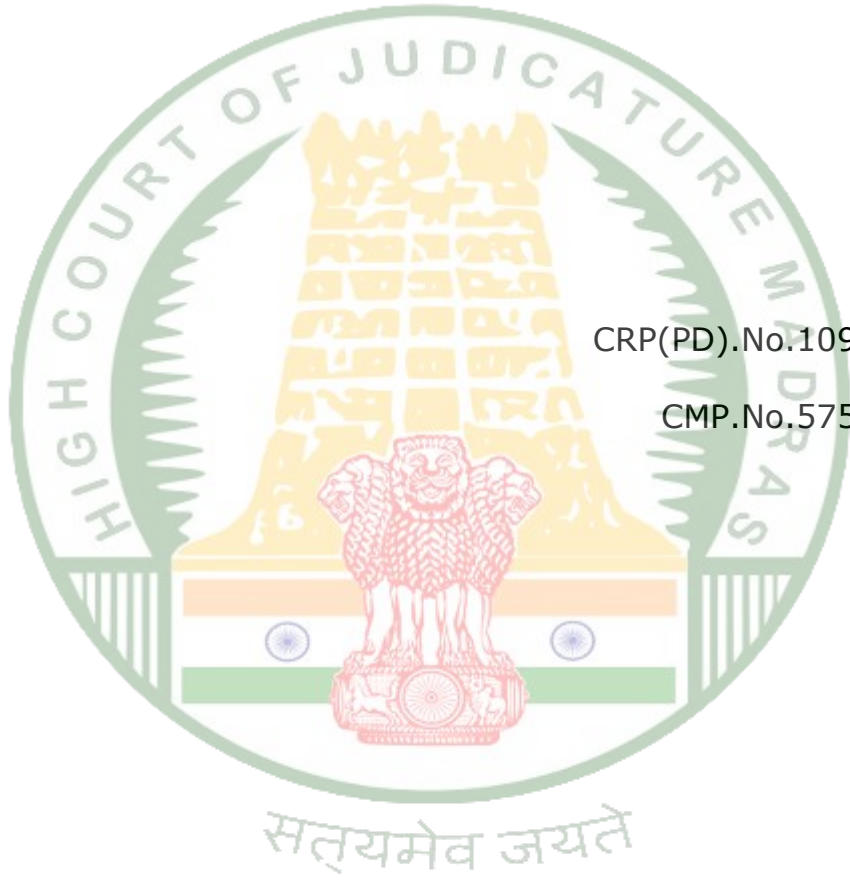
The XII Judge, Court of Small Causes (Rent Controller),
Chennai



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D. KRISHNAKUMAR, J.

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