

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(NPD).No.2745 of 2017 and

C.M.P.No.13022 of 2017

Rajeshwari
Represented by her Power Agent,
K.Yogalakshmi

... Petitioner

Vs.

Shalini Vohra

... Respondent

Prayer: Civil Revision Petition filed under Section 25 of Tamil Nadu Lease and Rent Controller Act, praying to revise the order dated 20.01.2017 made in M.P.No.480 of 2016 in RCA Sr No.5419 of 2016 against RCOP No.871 of 2014 allowing the delay of 129 days in representation of RCA, on the file of learned VIIth Judge, Small Cause Court Chennai.

For Petitioner : Mr.R.Parthasarathy

For Respondent : Mr.Shah & Shah

ORDER

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The relief sought for in this revision is to revise the order dated 20.01.2017 made in M.P.No.480 of 2016 in RCA. Sr. No.5419 of 2016 against RCOP No.871 of 2014 by allowing the delay of 129 days in representing the RCA, on the file of learned VIIth Judge, Small Cause Court Chennai.

2. The revision petitioner filed RCOP No.871 of 2014 for fixation of the fair rent against the respondent before the XII Small Causes Court, Chennai. The learned Judge after hearing both sides, allowed the RCOP on 27.01.2016.

3. Aggrieved against the said order, the respondent filed the Rent Control Appeal in RCA.Sr.No.5419 of 2016 before the learned VII Judge, Small Cause Court, Chennai and also filed M.P.No.480 of 2016 in RCA SR No.5419 of 2016 for condoning the delay of 129 days in representing the appeal papers. Subsequently, the said Miscellaneous petition was being allowed on condition of imposing the payment of Rs.500/-; the said condition was complied with, without making any objection on the side of the petitioner.

4. After receiving the payment, the revision petitioner challenged the impugned order by way of this revision. Since the petitioner having accepted the conditional order passed by the Rent Control appellate authority and received the cost amount, cannot challenge the order by filing this revision petition.

5. Therefore, the revision petition is dismissed. Consequently, connected Miscellaneous petition is closed. No Costs.

6. However, considering the age of the revision petitioner, the Rent Control Appellate Authority is directed to dispose the RCA as early as possible and hear the arguments on 05.06.2018 itself or within a week and thereafter dispose the same on merits and in accordance with law, on or before 29.06.2018. It is made clear that no extension of time will be granted and both the parties and counsel are directed to cooperate for early disposal.

26.04.2018

Note: Issue order copy on 28.04.2018

Index:Yes/No
Speaking order / Non speaking order
vum

To
The VIIth Judge,
Small Cause Court, Chennai.

सत्यमेव जयते
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P.VELMURUGAN, J.,

vum



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