

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.2985 of 2014
and M.P.No.1 of 2014

J.V.K.Ajay Pratheeb

.. Petitioner

Vs.

R.Sankaran

.. Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, against the order and decree of the learned Rent Controller (XIV Small Causes Judge at Chennai) in M.P.No.232 of 2012 in R.C.O.P.No.765 of 2010.

For Petitioner : Mr.R.Mukundan
For Respondent : Mr.P.M.Bakthavatsalam

ORDER

Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

2. The petitioner is challenging the order of the learned Judge extending the time to comply with the order dated 19.10.2012 made in M.P.No.232 of 2012 in R.C.O.P.No.765 of 2010.

3. According to the petitioner, when R.C.O.P.No.765 of 2010 filed by the respondent was dismissed for default on 02.07.2012 and M.P.No.232 of 2012 filed by the respondent to restore the said R.C.O.P. was dismissed for not complying with the conditional order dated 19.10.2012, the petitioner has got vested interest and the learned Rent Controller erred in extending the time to comply with the said order.

4. The above said contention of the learned counsel for the petitioner is untenable. The R.C.O.P. filed by the respondent was dismissed for default on 02.07.2012. M.P.No.232 of 2012 filed by the respondent to restore the same was allowed on condition that the respondent pays a sum of Rs.1,000/- as cost to the petitioner. The said M.P. was dismissed for not complying the said conditional order. Challenging the same, the respondent filed M.P.No.404 of 2012 to set aside the order of dismissal dated 19.10.2012 made in M.P.No.232 of 2012. The learned Judge by order dated 20.11.2013

set aside the order of dismissal dated 19.10.2012 made in M.P.No.232 of 2012, in the interest of justice to give an opportunity to the respondent on payment of costs of Rs.1,000/- to the petitioner. The petitioner has challenged the same by filing R.C.A.No.96 of 2014 and the same was dismissed by the learned Appellate Authority on 18.08.2014. Challenging the said judgment and decree dated 18.08.2014, the petitioner filed C.R.P.No.4659 of 2014 was considered along with this Civil Revision Petition and the said C.R.P.No.4659 of 2014 is dismissed by this Court today i.e. on 22.01.2018 confirming the order of the Courts below. In the present Civil Revision Petition, the learned Rent Controller exercising his discretion has extended the time to comply with conditional order.

5. From the materials available on record, it is seen that the petitioner has refused to receive the cost offered by the respondent and the learned Rent Controller has directed the respondent to deposit the said sum of Rs.1,000/- into Court. The Court has power to extend the time to comply with the conditional order. The learned Rent Controller extended time to deposit a sum of Rs.1,000/- into Court and there is no infirmity in extending time for payment of cost. Further, R.C.A.No.96 of 2014 filed by the petitioner challenging

the order dated 20.11.2013 made in M.P.No.404 of 2012 and C.R.P.No.4659 of 2014 challenging the judgment and decree dated 18.08.2014 made in R.C.A.No.96 of 2014 were also dismissed by the learned Appellate Authority as well as this Court respectively.

6. Considering all the facts and circumstances of the case in entirety, I hold that there is no merits in this Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

22.01.2018

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Index:Yes/No

kj

To

XIV Small Causes Judge

Chennai.

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V.M.VELUMANI,J.

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and M.P.No.1 of 2014

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