

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P.(NPD) No.3435 of 2018
and
C.M.P. No.19292 of 2018

Razendhiran MaleappanePetitioner

vs

1. Pratap Pierre Gerard De Condappa

2. Manet Ravi

...Respondents

Prayer: Civil Revision Petition filed Under Article 227 of the Constitution of India to set aside the order and decree dated 04.09.2018 made in unnumbered I.A.No. of 2018 in H.R.C.O.P.No.40 of 2007 on the file of the learned Rent Controller I at Pondicherry.

For Petitioner : Mr.Gouthaman.A.

ORDER

The present Civil Revision Petition is against an order passed in an unnumbered interim application filed to condone the delay in filing the petition to set aside the ex-parte order.

2. The application filed by the petitioner herein came to be rejected, even without numbering the same. When the petitioner is entitled to file an application under section 5 of the Limitation Act to condone the delay in setting aside the ex-parte order, the trial Court cannot refuse to take the application on file and reject the application in limine. The proper course would be to take the petition on file and then decide the case of not rejecting the petition at the threshold itself. Since the said order has been passed without notice to the other side, this Court is of the opinion that notice is not required to be sent to the respondents in this Civil Revision Petition and no prejudice would be caused to the respondents, in view of the present order.

3. In the light of the above observations, the order dated 04.09.2018 in unnumbered I.A.No. _____ of 2018 in H.R.C.O.P.No.40 of 2007 is set aside. Consequently, the learned Rent Controller I, Pondicherry is directed to take the petitioner's application in I.A.No. _____ Of 2018 on file after numbering and dispose of the same. In view of the above observations and as per the proceedings contemplated under law, such an exercise shall be completed within a period of one week from the date of receipt of copy of this order.

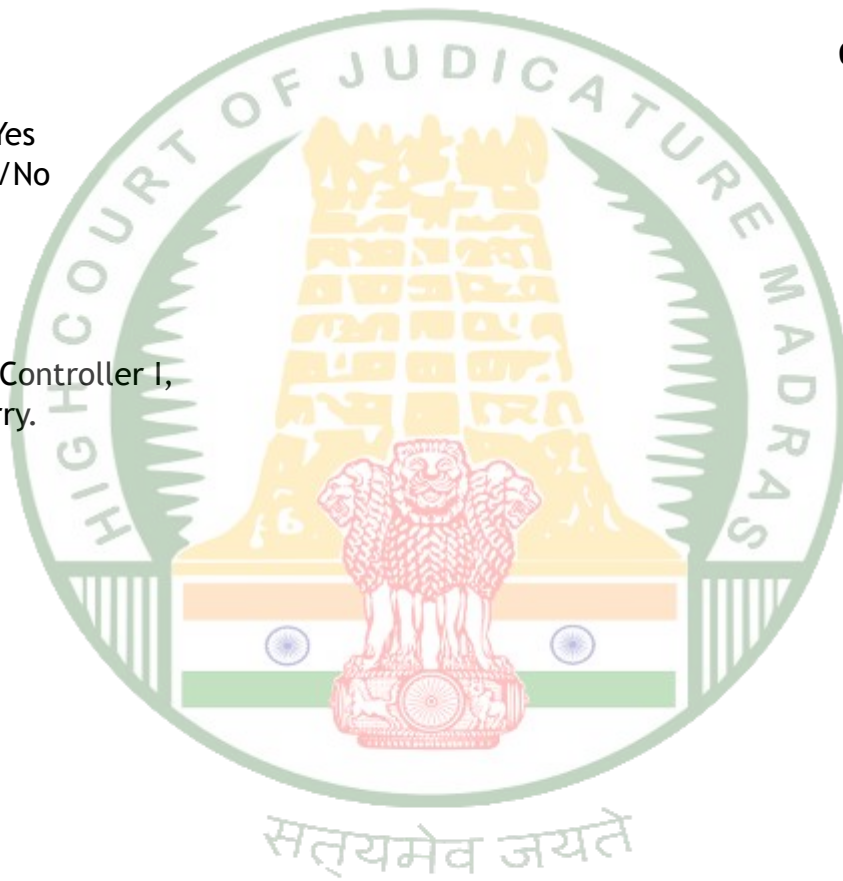
3. Accordingly, the Civil Revision Petition stands allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

01.11.2018

Internet:Yes
Index:Yes/No
hvk

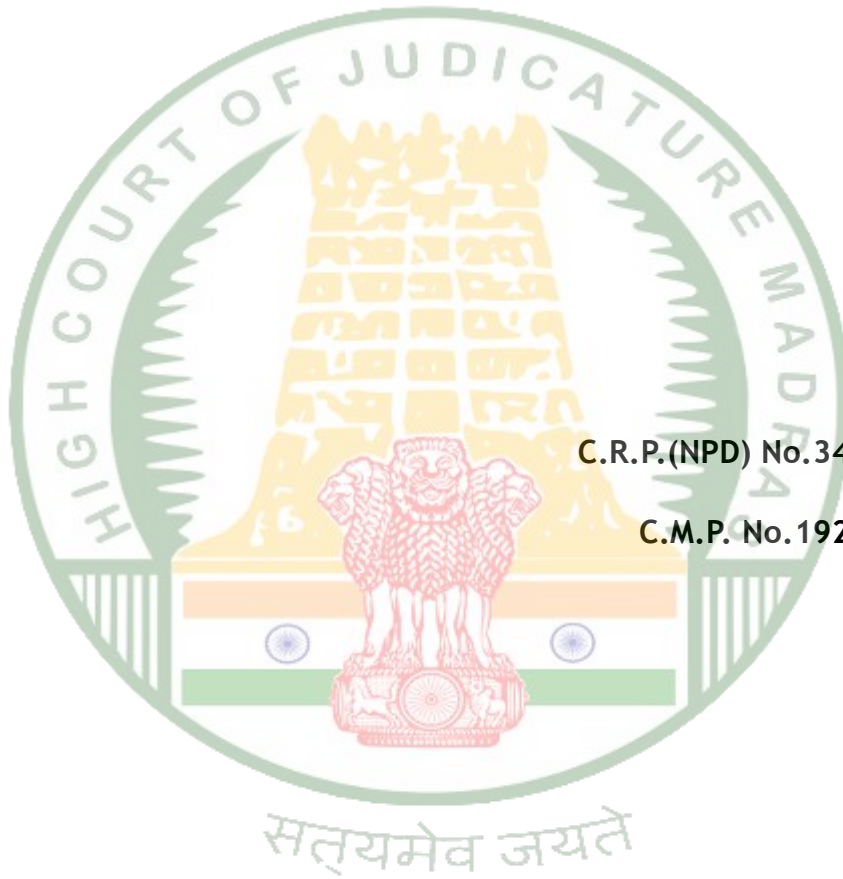
To
The Rent Controller I,
Pondicherry.



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M.S.RAMESH, J.

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