



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2018

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. MPD(MD).No.2219 of 2016 and  
C.M.P. (MD)No.10296 of 2016

S.V.P.S.Pandiarajan

... Respondent/Petitioner/  
Appellant/Revision petitioner-Tenant

Vs.

1. S.Navamani (Died)
2. N.Jeyapal
3. N.Manonmani
4. N.Vikraman
5. Dr.N.Mansingh
6. Mangayarkarasi
7. Mathusuthanan
8. Ananthavel

(R-6 to R-8 are brought on record as LR  
of deceased R-1 vide order dated 19.04.2017  
in C.M.P. (MD)No.3228 of 2017)

... Petitioners/Respondents/  
Respondents/  
Respondents-Landlords

PRAYER : Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1961, to set aside the order and decreetal order dated 29.08.2016 in I.A.No.27 of 2016 in unnumbered R.C.A.No. Of 2016 on the file of the learned Rent Control Appellate Authority cum Subordinate Judge, Virudhunagar, filed against the order and decreetal order dated 04.12.2015 in R.C.O.P.No.2 of 2007 on the file of the Rent Controller cum District Munsif, Virudhunagar and thereby allow the present Civil Revision petition.

For Petitioner

: Mr.C.Mahadevan,  
for M/s.AL.Ganthimathi

For R-1 to R-5

: Mr.M.Ashok Kumar

For R-1

: Died.

For R-6 to R-8

: No appearance.



## O R D E R

The tenant is the Revision petitioner. The landlords filed R.C.O.P.No.2 of 2007 on the file of the learned Rent Controller, Virudhunagar District, for fixing fair rent. The said R.C.O.P. was allowed and the fair rent was enhanced and fixed at Rs.59,472/-. The same was questioned by the tenant by filing R.C.A. But there was a nominal delay of two days in filing the said R.C.A. To condone the same, I.A.No.27 of 2016 was filed. The delay was condoned on condition that the tenant should pay a sum of Rs.12,76,730/-. Questioning that an onerous condition has been imposed, this Civil Revision petition has been filed.

2. Heard the learned counsel on either side.

3. As rightly pointed out by the learned counsel appearing for the respondents before the Rent Controller, two reports were filed. One on the side of the tenant and one on the side of the landlords. The grievance of the tenant is that the report filed on his behalf was not taken into account and that is why he was constrained to file the said R.C.A. But while imposing the condition, the appellate Authority has calculated based on the report filed on the side of the tenant only. This is something that cannot be disputed. Therefore, the condition imposed by the appellate Authority cannot be said to be onerous. On the other hand, it is perfectly just and fair.

4. The tenant is given eight weeks time to comply with the order impugned in this Civil Revision petition. It is made clear that no extension of time will be entertained. If the tenant deposits the amount as stipulated by the appellate Authority within a period of eight weeks from the date of receipt of a copy of this order, the appellate Authority shall number the appeal and dispose of the same on merits and in accordance with law, within a period of three months, thereafter.

5. With these directions, the Civil Revision petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/

Assistant Registrar(CS-III)

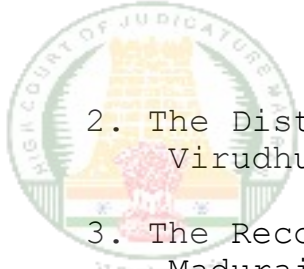
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Sub Assistant Registrar (CS-IV)

To

1. The Subordinate Judge(Rent Control Appellate Authority),  
Virudhunagar,

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



2. The District Munsif(Rent Controller),  
Virudhunagar.

3. The Record Keeper, V.R.Section,  
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1cc to Mr.M.ASHOK KUMAR, Advocate, SR.No.86300

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