

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 08TH DAY OF JULY 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A. No.4651 of 2019
in
C.S. No.582 of 2014

1. Smt.SP.Padmavathi,
2. Sri.AR.N.Suppiah,
3. Sri.SP.Arulappan,
1 to 3 at Door No.2/20,
Third Cross Street, Lake Area,
Nungambakkam, Chennai-600 034. Plaintiffs

-Versus-

M/s.T.T.G.Industries Ltd.,
rep. by its Director,
Mr.V.Ravi Srinivasan,
No.5, T.V.Street,
Chetpet, Chennai-600 031. Defendant

A. No.4651 of 2019:-

M/s.T.T.G.Industries Ltd.,
rep. by its Director,
Mr.V.Ravi Srinivasan,
No.5, T.V.Street,
Chetpet, Chennai-600 031. Applicant/Defendant

-Versus-

1. Smt.SP.Padmavathi,
2. Sri.AR.N.Suppiah,
3. Sri.SP.Arulappan,
1 to 3 at Door No.2/20,
Third Cross Street, Lake Area,
Nungambakkam, Chennai-600 034.... Respondents/Plaintiffs

Application praying that this Hon'ble Court be pleased to condone the delay of 1686 days in filing the written statement of the defendant/applicant.

This application coming on this day before this court for hearing, the Court made the following Order:-

This application has been filed seeking condonation of an unduly long delay of 1686 days in filing the written statement.

2. The suit is one for recovery of the difference between the agreed rent and the fair rent fixed by the Court. It is not in dispute that the fixation of fair rent has become final. The difference in rent as per the fixation is Rs.1,26,867/- per month. The petition for fixation of fair rent under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 was filed on 28.07.2000 and the defendant/applicant vacated the premises on 25.02.2008. Thus, it could be seen that the defendant is liable to pay fair rent for a period of 91 months during the occupation of the premises belonging to the plaintiff/respondent. The arrears of rent alone works out to Rs.1,15,44,897/-. The suit is already pending for 5 years.

3. The only reason given for the delay is that the proceedings were pending before the BIFR and AAIFR under Section 7 of Sick Industrial Companies (Special Provisions)

Act, 1986 and that there was an attempted settlement. It is also seen that winding up the proceedings launched by the plaintiff against the defendant were dismissed by the National Company Law Tribunal on 24.07.2017. Hence, there is no embargo in plaintiff seeking recovery of atleast the admitted arrears. The money claimed being a statutory liability, I do not think that the applicant/defendant should be allowed to contest the suit without showing its bonafidees or its ability to pay up in the event the suit is decreed.

4. Hence, the delay is condoned subject to the condition that the defendant/applicant deposits a sum of Rs.50,00,000/- (Fifty Lakhs only) to the credit of the suit on or before 09.08.2019. Post on 13.08.2019 for compliance.

Sd./-R.S.M.J

08/07/2019

//Certified to be true copy//

Dated at Madras this the day of 2019.
JJ 29/07/2019

COURT OFFICER(O.S.)

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