

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Tenth day of October Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE G.R.SWAMINATHAN

CMP No.20403 of 2019

in CRP(PD).854/2019

S.ANBZHAGAN

[PETITIONER]

VS

G.R.RAVINDRAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify the conditional order passed in CMP No.5552 of 2019 in above CRP NO.854 of 2019 dated 27-08-2019 (CMP.20403/2019)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.CHINNASAMY, Advocate for the petitioner the court made the following order:-

The Revision Petitioner is tenant under the respondent herein. The respondent filed H.R.C.O.P.No.6 of 2015 before the Rent Controller, Puducherry seeking eviction. In the said HRCOP, a petition under Section 11 (1) (3) and (4) of the Pondicherry Building Lease and Rent Control Act was filed. It was allowed vide order dated 28.02.2017 and the petitioner was directed to pay a sum of Rs.1,05,000/- (Rupees One Lakh Five Thousand only) as rental arrears. Aggrieved by the said order, the petitioner filed the R.C.A before the Appellate Authority. Since, there was delay in filing the R.C.A., he filed the condone delay application in I.A.No.1515 of 2017. It was dismissed vide order dated 07.01.2019. Challenging the same, the above Civil Revision Petition has been filed. The petitioner also sought for interim stay.

2. This Court vide order dated 27.08.2019 granted interim stay in favour of the petitioner by putting him on terms. The petitioner was directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) within a period of three weeks from the said date.

It appears that the papers had gone missing and they were subsequently reconstructed. In the meanwhile the Execution Court noted that interim stay is no longer in force and ordered delivery by 24.10.2019, vide order dated 25.09.2019. Hence this petition has been listed before me during the vacation sitting.

3. This Court is not inclined to grant modification of the said order but some indulgence can be shown if the petitioner deposits the amount in question on or before 24.10.2019.

4. The learned counsel for the Revision Petitioner, on instructions submitted that the petitioner is ready and willing to deposit the amount in question. He further submitted that he would be satisfied if the time for deposit is extended till 24.10.2019.

5. Recording the said undertaking, in the interest of justice time for deposit is extended till 24.10.2019. The learned counsel for the petitioner further gives a undertaking that he will not apply for any modification of this order or even for further extension of time. In other words, if the petitioner fails to deposits Rs.2,00,000/- (Rupees Two Lakhs only) on or before the said date, the order of delivery passed by the Rent Controller, Puducherry on 25.09.2019 will hold good.

6. The petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) on or before 24.10.2019. The order dated 25.09.2019 directing the delivery by 24.10.2019 shall be kept in abeyance till 24.10.2019. If the petitioner complies with the order of this Court, the petitioner and the respondent can work out their respective rights in the main Civil Revision Petition. If the petitioner fails to comply with the order of this Court, the order dated 24.09.2019 will spring to force.

7. This Civil Miscellaneous Petition is disposed of accordingly.

सत्यमेव जयते

-sd/-

10/10/2019

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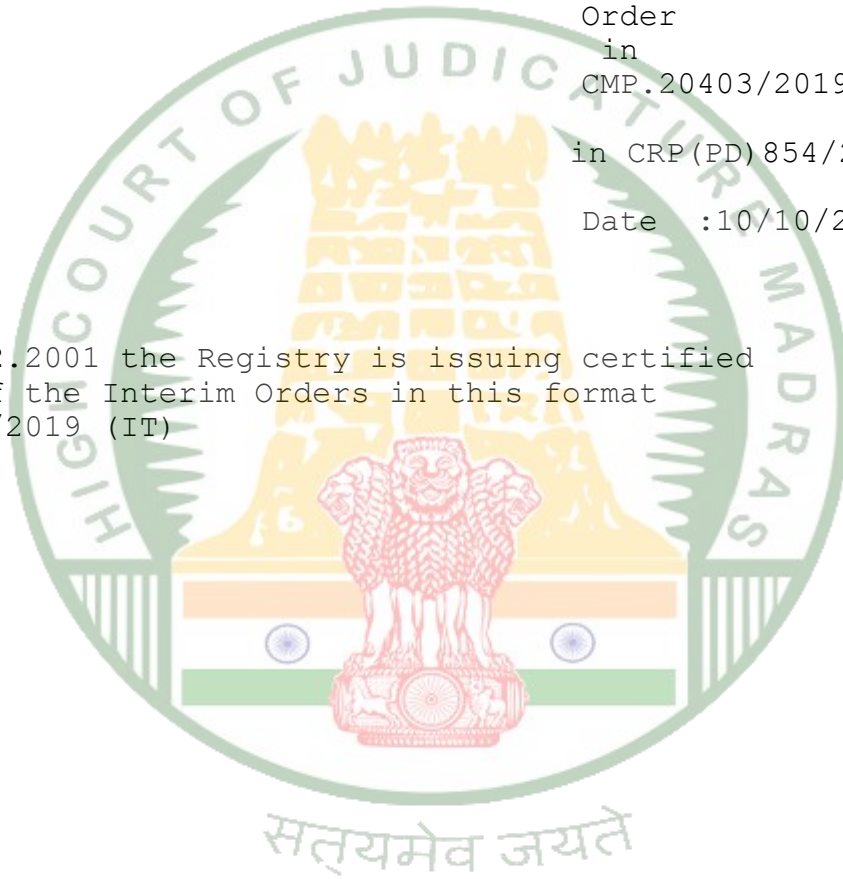
Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO
1 THE PRINCIPAL DISTRICT JUDGE,
PUDUCHERRY.

C.C. to MR.S.CHINNASAMY Advocate on payment of necessary charges

Order
in
CMP.20403/2019
in CRP(PD)854/2019
Date :10/10/2019

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