

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(NPD).No.3002 of 2018

&

C.M.P.No.17409 of 2018

V.K.Hospital

...Petitioner

Vs

S.Prakash

... Respondent

Prayer: Civil Revision Petition is filed under Section 227 of the Civil Procedure Code against the fair and decreetal order in M.P.No.118 of 2018 in R.C.A.SR.No.15225 of 2018 on the file of the VII Court of Small Causes, Chennai.

For Petitioner : Mr.N.Doraikannan
For Respondent : Mr.G.Saravanan

ORDER

The above Civil Revision Petition is filed challenging the order passed by the VII Small Causes Judge (Rent Control Appellate Authority), Chennai, dismissing the application filed by

the revision petitioner/tenant to condone the delay of 13 days in filing the appeal. In the affidavit filed in support of the application, the revision petitioner would contend that their counsel had belatedly applied for a copy application and consequently, the delay had occurred. The said petition has been opposed by the respondent/landlord and ultimately, the same has been dismissed by the learned Rent Control Appellate Authority, Chennai, on the ground that no reasons have been stated.

2.The learned Judge has held that, since they are Doctors and not an ordinary layman, they ought to have enquired with their counsel about the filing of the appeal.

3.Challenging the said order the tenant is before this Court. Heard the counsels on either side. It is seen that the reasons for the delay is only on the part of the counsel in applying for a copy application and the delay caused by the counsel cannot be

mulcted on the litigant, who is not in any way involved in the process of applying a copy of the order and obtaining the same. The reasoning of the learned Judge in dismissing the application is totally unsound and the same deserves to be set aside. The learned Rent Control Appellate Authority, Chennai is directed to number the Rent Control Appeal and shall dispose of the application within a period of four months from the date of receipt of a copy of the order.

The Civil Revision Petition is allowed on the above lines. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

सत्यमेव जयते

08.04.2019

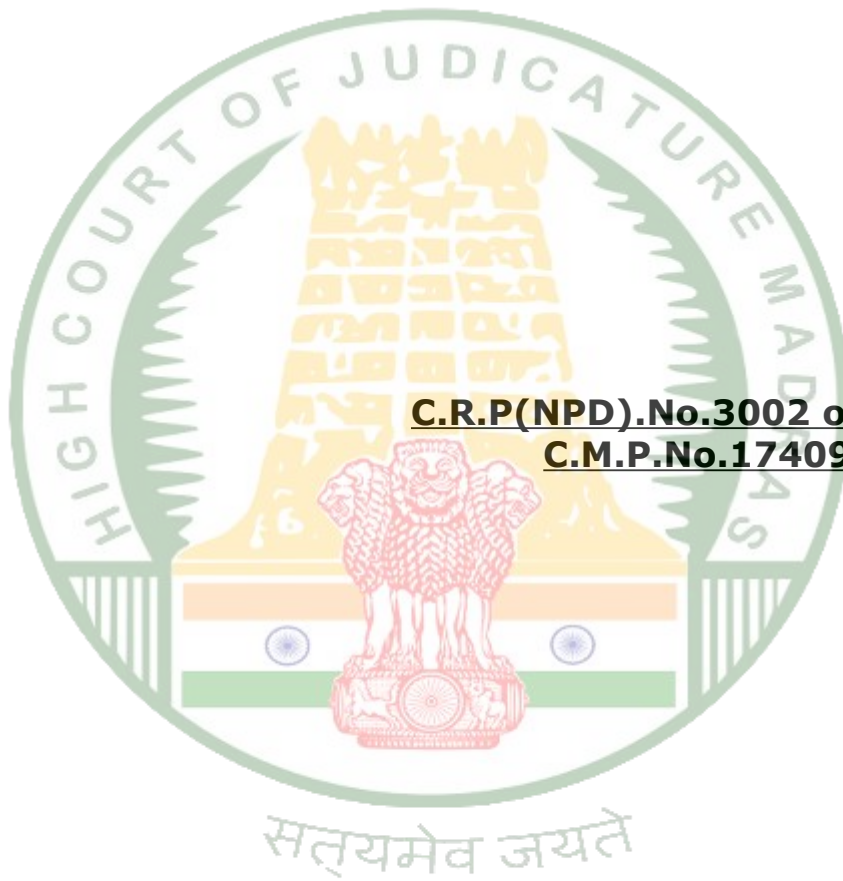
kan
Index : Yes/No
Speaking order/non-speaking order

To

The VII Small Causes Judge,
Chennai

P.T.ASHA, J.,

kan



**C.R.P(NPD).No.3002 of 2018 &
C.M.P.No.17409 of 2018**

WEB COPY

08.04.2019