



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

C.R.P.NPD (MD)Nos.643 to 645 of 2012

Perumal Muthirayar	:Petitioner /Petitioner in all these petitions
Vs.	
B.Chandrasekaran	:Respondent/Respondent in all these petitions

COMMON PRAYER: Civil Revision Petitions under Section 115 of CPC, against the orders in P.No.46 of 1990, M.P.No.386 of 2005 and M.P.No.93(A) of 2010 in M.P.No.386 of 2005 in P.No.46 of 1990 respectively before the Assistant Commissioner, Revenue Court, Trichy dated 26.10.2010.

For Petitioner in all CRP's : Mr.K.Govindarajan
For Respondent in all CRP's : Mr.Asok Adhityan

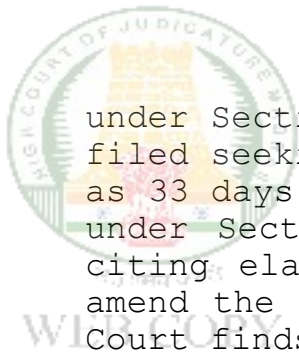
COMMON ORDER

These Civil Revision Petitions have been directed against the impugned orders in P.No.46 of 1990, M.P.No.386 of 2005 and M.P.No.93 (A) of 2010 in M.P.No.386 of 2005 in P.No.46 of 1990 respectively before the Assistant Commissioner, Revenue Court, Trichy dated 26.10.2010.

2.The petition in P.No.46 of 1990 has been filed to restore his possession as per Act 41 of 1989. M.P.No.386 of 2005 has been filed to condone the delay of 28 days in presenting the Petition No.46 of 1990 and M.P.No.93(A) of 2010 has been filed to amend M.P.No.386 of 2005. The Revenue Court dismissed M.P.No.93(A) of 2010 on the ground that the Revenue Court lacks jurisdiction to order amendment of the affidavit and petition in M.P.No.386 of 2005. M.P.No.386 of 2005 has been dismissed on the ground that P.No.46 of 1990 has been filed with a delay of 33 days, but it has been wrongly mentioned as 28 days. P.No.46 of 1990 has been dismissed on the ground that as per Act 41 of 1989 petition before the Revenue Court to restore possession can be filed only if the tenant accepts that the property is in the possession of the land owner, however, the petitioner claimed that he is in possession and enjoyment of the land.

3.Learned counsel appearing for the petitioner would submit that he has no instruction in these Civil Revision Petitions.

3.Since the petitioner has miserably failed to explain as to why his main prayer for repossession should not be granted, he has suffered order of dismissal in P.No.46 of 1990. More so, Application



under Section 5 of the Limitation Act in M.P.No.386 of 2005 has been filed seeking to condone the delay of 28 days, which has been stated as 33 days in the petition to amend the affidavit and petition filed under Section 5 of the Limitation Act. Further, the Revenue Court citing elaborate reasons rejected M.P.No.93A of 2010, praying to amend the affidavit and petition in M.P.No.386 of 2005. Hence, this Court finds no merit in these Civil Revision Petitions.

5.Accordingly, these Civil Revision Petitions are dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj
To
The Assistant Commissioner,
Revenue Court,
Trichy.

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-106379[F]
+1 CC to M/s.M.SUBASH BABU, Advocate (SR-106521[F] dated 27/12/2019

CRP (NPD) (MD)Nos.643 to 645 of 2012
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SMA/31/01/2020/2P/4C