



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Twenty First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP(MD) No.11966 of 2018

IN

CRP(MD) No.SR10092 of 2017

M.KASI CHETTIYAR

... PETITIONER/PETITIONER/PETITIONER

Vs

R.M.JAGANNATHAN

... RESPONDENT/RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 334 days in restoring the CMP(MD).SR.No.11089 of 2017 dated 06.12.2017 in CRP(MD).SR.No.10092 of 2017 dismissed for default and thus render justice.

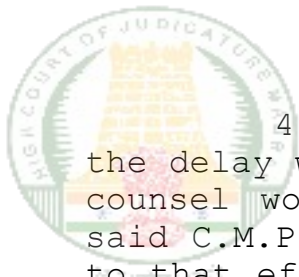
PRAYER IN CRP(MD) No.SR10092 of 2017:-

To set aside the fair order and decreetal order of Learned Rent Control Appellate Authority/ Sub-Court, Pudukottai rendered in R.C.A.No.5 of 2014 on 10.11.2016 confirming the order of Learned Rent Controller, District Munsif Court, Pudukottai in R.C.O.P.No.18 of 2009 dated 04.10.2013 in pursuance of order passed in I.A.No.17 of 2016 on 10.11.2016.

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.N.BALAKRISHNAN, Advocate for the petitioner, the court made the following order:-

This petition is filed by the petitioner to condone the delay of 334 days in restoring the C.M.P(MD).No.11089 of 2017 dated 06.12.2017 in C.R.P(MD).SR.No.10092 of 2017 dismissed for default.

2.On perusal of records, it is seen that this Court passed an order in C.M.P(MD).No.11089 of 2017 in C.R.P.(MD).SR.No.10092 of 2017 and the delay was condoned on condition that the petitioner shall pay a sum of Rs.1000/- to the Legal Aid Service Authority, attached to this Bench, within 3 days from the date of receipt of a copy of this order. But the petitioner has not paid the said amount and therefore, 334 days delay was occurred to restore the C.M.P. No.11089 of 2017.



4.The learned counsel for the petitioner would submit that the delay was occurred is neither wilful nor negligence. The learned counsel would further submit that immediately after restoring the said C.M.P, the petitioner is ready to vacate the suit property and to that effect affidavit will also be filed before the Court within a week.

5.Recording the aforesaid undertaking given by the learned counsel for the petitioner, this civil miscellaneous petition is allowed and the C.M.P(MD).No.11089 of 2017 is restored on condition that the petitioner shall pay a sum of Rs.3,000/- to the Legal Aid Service Authority, attached to this Bench on 25.02.2019.

6.Registry is directed to number the above revision petition, if the papers are otherwise in order. The said undertaking affidavit has to be filed before this Court on 27.02.2019, failing which, the civil revision petition will be disposed on the same day itself.

7.Post on 27.02.2019.

sd/-
21/02/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE RENT CONTROL APPELLATE AUTHORITY/
SUB-COURT, PUDUKOTTAI.
- 2 THE RENT CONTROLLER,
DISTRICT MUNSIF COURT, PUDUKOTTAI.

COPY TO:

- 1 THE AUTHORISED OFFICER,
LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP(MD) No.11966 of 2018
IN
CRP(MD) No.SR10092 of 2017
Date :21/02/2019