



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2019

(Reserved on 28.06.2019)

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP (NPD) (MD) No.683 of 2019

and

CMP (MD) No.3760 of 2019

S.Santhanaraj

...Petitioner/Petitioner/Appellant

vs.

S.Mathan

...Respondent/Respondent/Respondent

Petition filed under Section 115 of the Civil Procedure Code, against the order passed in I.A.No.16 of 2018 in RCA.No.22 of 2012 dated 14.12.2018 on the file of the Principal Sub Court, Tirunelveli.

For Petitioner : Mr.H.Arumugam

ORDER

The appellant in RCA.No.22 of 2012, filed a petition under Rule 16(3) of the Tamil Nadu Buildings (Lease and Rent Control) Act, seeking restoration of RCA.No.22 of 2012 which was dismissed on 14.12.2018. Challenging the dismissal, this revision petition is filed.

2.The brief facts:-

a)RCOP.No.27/2007 filed for eviction in the year 2007 and it was allowed.

b)Appeal was filed in RCA.No.22 of 2012 and it was posted for arguments on 21.02.2013.

c)The petitioner/tenant contended that till the disposal of A.S.No.13/2017, RCA.No.22 of 2012 should not be heard. The contention of the landlord was that there was no connection between the civil suit and rent control proceedings and the tenant was getting it adjourned. Even on the adjourned date, that is, 27.10.2017, as the petitioner was not ready, the appeal was dismissed.

3.The contention of the respondent is that only with a view to delay the proceedings, the petitioner had been filing repeated applications on one pretext or other. Though the petitioner claimed that he has taken steps to file Transfer O.P, the copy of the Transfer O.P was not produced for 1½ years.

4.The Court below has given a finding that the petitioner's counsel was not ready to argue the case from 2013 to 2017. It is



also pointed out that as the petitioner is a tenant, he is interested in dragging on the proceedings, so that he can be in occupation of the property for a long time. Finding no merits, the restoration application has been dismissed.

5. In the considered opinion of the Court, the dismissal ought to have been with cost, but no cost has been imposed. Perhaps, that would have emboldened the petitioner to file this revision petition. There are no grounds to interfere with the order passed by the Court below and the revision is liable to be dismissed.

6. In the result, **this Civil Revision Petition is dismissed with cost of Rs.5,000/- to be payable to the Legal Services Committee attached to this Court.** Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

The Principal Sub Judge,
Tirunelveli.

Copy to:
The Secretary,
Legal Services Committee,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.H.ARUMUGAM, Advocate SR-78734.

CRP (NPD) (MD) No. 683 of 2019
30.07.2019

CS (08.08.2019) 2P 4C