

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.12.2020

PRONOUNCED ON : 21.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CRP(NPD)No.2466 of 2016

(Through Video Conferencing)

P.S.Khaleel

Petitioner

Vs

N.Hansardeen

Respondent

Prayer:- This Civil Revision Petition has been filed, under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, to set aside the fair and final order dated 22.12.2015 made in IA.No.3 of 2013 in RCA.No.9 of 2012, by the Rent Control Appellate Authority cum Subordinate Judge, Nilgiris, Udthagamandalam.

For Petitioner : Mr.Sriram

For Respondent : No Appearance (Party in Person)

ORDER

1. This Civil Revision Petition has been filed, to set aside the fair and final order dated 22.12.2015 made in IA.No.3 of 2013 in RCA.No.9 of 2012, by the Rent Control Appellate Authority cum Subordinate Judge, Nilgiris, Udthagamandalam.
2. The facts of the case, in a nutshell, are that the tenant is the Petitioner and the landlord is the Respondent. RCOP.No.37 Plaintiff 2007 was filed for

eviction on the ground of wilful default and own use and occupation and the RCOP was allowed 5.3.2012. As against the same, RCA.No.9 of 2012 was filed by the tenant. The said appeal was dismissed for non prosecution on 05.12.2012. The present IA was filed to restore the RCA. Since the said IA was dismissed by the impugned order, this Civil Revision Petition has been filed.

3. This court heard the learned counsel for the Petitioner and also carefully perused the materials placed on record.
4. According to the Petitioner, since he was suffering from acute Bronchitis and severe fever, he was under treatment from 02.12.2012 and his counsel was not able to appear on 05.12.2012 as he had to attend a funeral, but without considering the same, the court below erred in rejecting the claim of the Petitioner.
5. The RCA was dismissed for non prosecution on 5.12.2012 and the application to set aside the same and to restore the RCA was filed on 2.1.2013. In order to meet the ends of justice and to give one more opportunity, the tenant may be permitted to pursue the case on payment costs.
6. In fine, this Civil Revision Petition is allowed. The impugned order, dated 22.12.2015 made in IA.No.3 of 2013 in RCA.No.9 of 2012, by the Rent Control Appellate Authority cum Subordinate Judge, Nilgiris, Udthagamandalam. is set aside and said IA is allowed on payment of cost of Rs.1,000/- (Rupees one thousand only) to the Taluk Level Legal Aid

Services Authority, within a period of two weeks from the date of receipt of a copy of this order. The Rent Control Appellate Authority is directed to dispose of the RCA, on merits and in accordance with law, within three months thereafter. No costs.

21.12.2020

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Srcm

To

1. The Rent Control Appellate Authority cum Subordinate Judge, Nilgiris, Udhagamandalam.



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CRP(NPD)No.2466 of 2016

A.A.NAKKIRAN, J.

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Pre-Delivery Order in
CRP(NPD)No.2466 of 2016

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21.12.2020