



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2020

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P.(MD) No. 2348 of 2017 (NPD)
and CMP(MD) No. 11307 of 2017

Vadivammal

... Revision Petitioner/Petitioner/Respondent

Vs.

1. Sundari
2. Kalaiarasi
3. Vetriselvi
4. Kalaiselvi

... Respondents/Respondents/Petitioners

(Through their Power Agent Balamurugan)

PRAYER : Petition filed under Section 115 of CPC., to set aside the order, dated 24.08.2017 of the learned Principal District Munsif, Madurai Town in I.A. No. 270 of 2016 in RCOP No.110 of 2010 by allowing this revision petition.

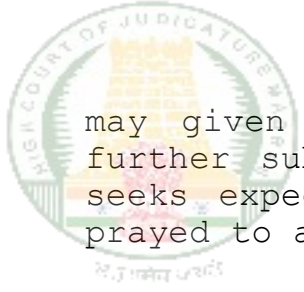
For Petitioner : Mr.O.Sivakumar
For Respondents : Mr.M.Subash Babu

ORDER

This petition has been filed to set aside the order, dated 24.08.2017 in I.A. No. 270 of 2016 in RCOP No. 110 of 2010 on the file of the learned Principal District Munsif, Madurai Town.

2. The revision respondents/landladies herein have filed a petition in RCOP No. 110 of 2010 against the revision petitioner herein/tenant to vacate and surrender the vacant possession of the petition mentioned property, within the stipulated time and in the said RCOP, an exparte order was passed on 17.02.2016. Therefore, the revision petitioner has filed a petition in I.A. No.270 of 2016 in RCOP No. 110 of 2010 under Section 5 of Limitation Act to pass an order to condone the delay of 166 days in filing the petition to set aside the exparte order, dated 17.02.2016 in RCOP No. 110 of 2010 and the same was dismissed. Against the dismissal order, dated 24.08.2017 the instant Civil Revision Petition is filed.

3. The learned counsel appearing for the revision petitioner <https://hcmis.ctd.gov.in/tcases/> the petitioner's counsel has not informed the progress of the case and the revision petitioner was not aware of the exparte decree. He further submitted that one more opportunity



may given to the petitioner and the delay may be condoned. He further submitted that the main RCOP is of the year 2010 and he seeks expeditious disposal of the main RCOP petition. Hence, he prayed to allow the Civil Revision Petition.

4. The learned counsel appearing for the respondents has not raised serious objection to allow this revision petition.

5. Heard the learned counsel appearing for the revision petitioner and the learned counsel appearing for the respondents.

6. On consideration of the pleadings, records and oral submissions, this Court is of the view that the request for expeditious disposal is liable to be acceded to in the interest of justice. No prejudice would be caused to the respondents, if this Court directs the learned Principal Rent Controller, Madurai Town, to dispose the petition in RCOP No.110 of 2011 within a period stipulated by this Court. Hence, this Court is inclined to pass the following Order.

7. In the result,

(i). this Civil Revision Petition No.2348 of 2017 is disposed of.

(ii). the order, dated 24.08.2017 in I.A. No. 270 of 2016 in RCOP No.110 of 2010 passed by the learned Principal District Munsif, Madurai Town, is set aside.

(iii). The learned Rent Controller, Madurai Town, is directed to dispose of the petition in RCOP No.110 of 2010, within a period of three months from the date of copy of receipt of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Principal Rent Controller/Principal District Munsif,
Madurai Town.

Copy to: The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2)

Order made in
C.R.P. (MD) No. 2348 of 2017 (NPD)
23.12.2020

PK (CO)
CS (19.01.2021) 3P 4C