

IN THE HIGH COURT OF JUDICATURE AT MADRAS
WEDNESDAY THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY
CIVIL MISCELLANEOUS PETITION NO.3509 OF 2017

S.Shayada Begum ...Petitioner/Respondent/Tenant

Vs

A.M.Fraouq Basha Respondent/Petitioner/Landlord

Petition praying that in the circumstances stated therein and in the affidavit filed therewith affidavit filed with the High Court will be pleased to condone the delay of 97 days in filing to set aside and restore the ex parte petition filed against the order passed in Civil Revision Petition NPD No.1556 of 2015 dated 28.04.2016.

CRP(NPD) Prayer: This Petition filed under Section 25 of Tamil Nadu Buildings Lease and Rent Control Act 1960 to allow the appeal and subsequently set aside the order and decree passed in R.C.A.No.468 of 2013 dated 07.01.2015 by the VII small Causes Court (Appellate Authority) reversing the order passed in R.C.O.P.No.32 of 2012 dated 19.07.2013 passed by the XII Small Causes Court, Chennai.

ORDER: This Petition coming on for hearing upon perusing the petition and the affidavit filed in support thereof and in pursuant to this court dated 28.04.2016 on the file of the High Court made in the presence of Mr.M.J.Jaseem Mahammed, Advocate for the Respondent and the petitioner having not appeared in person or by counsel the court made the following order:-

The above Civil Revision Petition was filed by the revision petitioner/landlord.

2. After hearing the revision petitioner, a detailed order was passed by the Court on 28.04.2016, thereby, allowing the Revision Petition in favour of the landlord and setting aside the order passed by the Rent Control Appellate Authority. However, since the Revision Petition was disposed of in the absence of the respondent/tenant, she (respondent/tenant) filed a Petition for condoning the delay in filing the Petition to set aside the order, dated 28.04.2016.

3. It is seen that the Petition for Condonation of Delay was filed in the year 2017, and the same has been listed from time to time, i.e. on 05.03.2018, 09.03.2018 and 26.03.2018. When the Petition came up for hearing today (06.10.2021) none appeared for the petitioner/tenant, who is the respondent in the Revision Petition. Whereas, the learned counsel appearing for the respondent, who is the revision petitioner/landlord in the Revision Petition submits that the petitioner/tenant has already vacated the subject premises immediately after the order was passed by the Court on 28.04.2016, and therefore, nothing survives in this Petition for adjudication. Probably, this may be the reason for non-appearance of the petitioner/tenant today and last hearing. As the petitioner in the Civil Miscellaneous Petition has vacated the subject premises 4 ½ years back, normally, the tenant will not evince any interest in pursuing the case further.

4. Therefore, this C.M.P is dismissed for non-prosecution and the order passed by this Court in the Civil Revision Petition dated 28.04.2016 stands confirmed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

jd/sd

To:

1. The VII Judge,
(Rent Control Appellate Authority)
Court of Small Causes, Chennai.
2. The XII Judge,
(Rent Controller)
Court of Small Causes, Chennai.

Copy To:

The Section Officer,
Judicial Section,
High Court, Madras.

Dated:- 06.10.2021

ORDER

C.M.P.No.3509 of 2017
in
CRP(NPD) No.1556 of 2015

Dismissing the petition for non-prosecution to condone the delay of 97 day in filing to setaside restore the exparte petition against the order dated 28.04.2016 passed in CRP No.1556 of 2015 etc as stated within.

RLD(CO)
RGA(02/11/2021)