

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(NPD).No.3503 of 2017
and C.M.P.No.16268 of 2017

V.Balaguru

... Petitioner

Vs.

Baby Bai

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 18.01.2017 made in I.A.No.2232 of 2016 in unnumbered RCA on the file of the Principal District Judge, Pondicherry.

For Petitioner : Mr.B.Balavijayan
For Respondent : No appearance

ORDER

This Civil Revision Petition is directed as against the order dated 18.01.2017, passed by the learned Principal District Judge, Pondicherry, in I.A.No.2232 of 2016 in unnumbered RCA, thereby dismissing the petitioner to condone the delay of 189 days in filing the appeal.

2. The petitioner is the tenant and the respondent is the landlord.

The respondent filed petition for eviction H.R.C.O.P.No.7 of 2013 on the ground of wilful default, demolition, reconstruction and also owner's occupation. While pending the eviction petition, the respondent filed an application in I.A.No.92 of 2014 under Section 11(1) & (4) of the Pondicherry Building (Lease & Rent Control) Act, for arrears of rent. The same was allowed and aggrieved by the same, the petitioner filed appeal in RCA.No.14 of 2015. The said appeal was dismissed by an order dated 29.01.2016. Further the petitioner was directed to pay arrears of rent due from February, 2011 till the date of filing of the petition. The said order was not complied with by the petitioner.

3. In view of the order passed in I.A.No.92 of 2014 and non-payment of arrears of rent by the petitioner, the main petition for eviction in H.R.C.O.P.No.7 of 2013 was ordered and directed the petitioner to vacate the petition premises and hand over the vacant possession to the petitioner by an order dated 15.02.2016. Aggrieved over the said order, the petitioner filed Civil Revision Petition in C.R.P.No. 2961 of 2016 before this Court

and the same was also dismissed on 21.09.2016. Again the petitioner preferred an appeal as against the order passed in H.R.C.O.P.No.7 of 2013 along with the condone delay petition in I.A.No.2232 of 2016 for condoning the delay of 186 days. In the condone delay petition, the Court below by an order dated 06.01.2017, directed the petitioner to deposit the entire arrears of rent. The said condition was also not complied with by the petitioner as such, the condone delay petition in I.A.No.2232 of 2016 was dismissed. Even till today, the petitioner did not pay single paisa as rent, as well as not deposited any arrears of rent. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order

rts

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G.K.ILANTHIRAIYAN, J.

rts

To

1. The Principal District Judge,
Pondicherry
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.



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