

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

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

C.R.P.PD.No.3059 of 2018

and

C.M.P.No.17742 of 2018

1. T.Ashok

2. T.Prathap

... Petitioners

Vs.

Royapuram Dharma Brahma Theertham Charitable Trust,
Rep.by its Trustees

1. T.R.Veeraraghavan

2. K.S.Subramaniam

3. R.Sankaran

4. D.Sridharan

5. V.Sankara Narayanan

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed in I.A.No.203 of 2015 in O.S.No.5875 of 2012 on the file of the III Assistant City Civil Court, Chennai. सत्यमेव जयते

For Petitioner : Mr.R.Dhamodaran

For Respondents : Mrs.N.K.Kanthimathi
for Mr.R.Natarajan (for R-1 to R-5)

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.203 of 2015 in O.S.No.5875 of 2012 dated 22.02.2018 on the file of the learned III Assistant Judge, City Civil Court, Chennai, thereby dismissing the petition to condone the delay of 736 days in filing the petition under Section 9 (1) of the Tamil Nadu City Tenants Protection Act.

2. The petitioners are the defendants and the respondents are the plaintiffs. The respondents filed the suit for recovery of possession along with damages. While pending the suit, the petitioners herein filed an application seeking to direct the respondents to sell the suit property to the petitioners under Section 9(1) of the Madras City Tenants Protection Act. An application under Section 9(1) of the Madras City Tenants Protection Act has to be filed within a period of one month from the date of service of summons in the suit. Since there was a delay of 736 days, the petitioners have filed the petition under Section 9 (1) of the Tamil Nadu City Tenants Protection Act, along with a petition to condone delay.

3. On a perusal of the affidavit filed in support of the condone delay petition, it reveals that during the cross examination of D.W.1, it was suggested by the respondents that the properties are exempted from the application of provisions of the Transfer of Properties Act. Therefore, the petitioners were advised to file a petition seeking to direct the respondents to sell the property. There is absolutely no sufficient reasons stated in the affidavit filed in support of the condone delay petition. That apart, the petition was filed at the stage of further evidence on the side of the defendants. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. However, the trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

30.06.2021

Speaking/Non-speaking order
Index : Yes/No

Internet : Yes/No

kv

G.K.ILANTHIRAIYAN,J.

Kv

To

1. The III Assistant Judge, City Civil Court, Chennai.

2. The Section Officer,
V.R.Section, High Court of Madras.



C.R.P.PD.No.3059 of 2018

WEB COPY

30.06.2021