



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Thirtieth day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CMP(MD) No.4213 of 2021

IN

CRP No.1245 of 1996

S.SETHUKARAI NADAR

... PETITIONER/PETITIONER/PETITIONER

Vs

1 P.VADAMALAI (DIED)

2 V.JAYAPAL

3 V.CHANDRASEKARAN

4 V.RAJASEKARAN

... RESPONDENTS/RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner to deposit a sum of Rs.50,000/- into this Honourable Court to the credit of CRP.No.1245 of 1996.

Prayer in C.R.P.No.1245 of 1996:

To set aside the judgment and decree dated 17.03.1994 made in R.C.A.No.126 of 1991 on the file of the Court of Appellate Authority (Court of Principal Subordinate Judge), Madurai confirming the order and decree dated 29.04.1991 made in R.C.O.P.No.782 of 1982 on the file of the Court of Rent Controller(Principal District Munsif), Madurai and allow this Revision Petition with cost.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.P.JESSI JEEVA PRIYA, Advocate for the petitioner, the court made the following order:-

This Civil Miscellaneous Petition is filed to permit the petitioner to deposit a sum of Rs.50,000/- to the credit of CRP No.1245 of 1996, as ordered by this Court on 01.04.2021.

2. In earlier occasion, Civil Miscellaneous Petitions CMP(MD) Nos.10622 to 10624 of 2018 have been filed by the petitioner seeking condonation of delay of 5007 days in bringing on record the respondents 2 to 4 as the legal heirs of the deceased sole respondent to set aside the abatement caused due to the death of the

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legal representatives of the deceased sole respondent and rank them as respondents 2 to 4 in the Civil Revision Petition. After having discussed elaborately, this Court came to the conclusion that the petitions could be allowed, on payment of cost of Rs.50,000/- to the respondents and fixed the date also. (i.e on or before 30.04.2021)

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3.Now the petitioner has come forward with the present Civil Miscellaneous Petition seeking permission to deposit the amount stating that the respondents counsel is refused to receive the payment by making the following endorsement.

"On instructions from the client that they are preferring further Appeal challenging the order dated 01.04.2021 in CMP (MD) No.10622 to 10624 of 2018 in C.R.P.No.1245 of 1996, I am not in a position to receive the cost of Rs.50,000/- and hence "refusal" endorsement is made.

4.It is seen from the records that though the delay is 5007 days, this Court, considering the fact that the respondents should be compensated for such a long delay, imposed a cost of Rs.50,000/-.

5.In view of the above, the petitioner is permitted to deposit the amount of Rs.50,000/- to the credit of CRP MD No.1245 of 1996, through online, within a week.

sd/-
30/04/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL SUBORDINATE JUDGE,
(APPELLATE AUTHORITY), MADURAI
- 2 THE PRINCIPAL DISTRICT MUNSIF,
(RENT CONTROLLER), MADURAI.
- 3 THE ADDITIONAL DISTRICT MUNSIF,
MADURAI TOWN.

ORDER
IN
CMP(MD) No.4213 of 2021
IN
CRP No.1245 of 1996
Date :30/04/2021

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