



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2022

CORAM :

THE HON'BLE MR. JUSTICE M. DURAISWAMY
AND

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI
C.M.S.A.No.23 of 2022
and C.M.P. No.5297 of 2022

M/s. Sameeraa Foundation Private Limited,
Rep. By its Authorised Signatory
Mr.B.Tiruselvan
No.47, Meco House, Anna Salai,
Chennai - 600 002
Ph. 7904204929
Mail id.sameera@gmail.com

... Appellant

v.

1. A. Prashanth
2. Karthiga
3. M/s. BBCL Private Limited,
Rep. By its Director, Vummidi Bharth
No.20, (Old No.23/2) Mylai Ranganathar Street,
T. Nagar,
Chennai - 600 017.

... Respondents

Civil Miscellaneous Second Appeal filed under section 58 of TNRERA Act r/w under section 100 of CPC to set aside the order dated 05.01.2022 passed by the Tamil Nadu Real Estate Appellate Tribunal, Chennai in M.A.No.1 of 2022 and in A.No.148 of 2021.

For Petitioner : Mr. Subramanian
for Mr.S.Namasivayam

For Respondent-1 : Mr. T.Sundaravadanam

JUDGMENT

(Judgment was delivered by M. DURAISWAMY, J.)

Challenging the order passed in M.A.No.1 of 2022 and in A.No.148 of 2021 on the file of Tamil Nadu Real Estate Appellate Tribunal, Chennai the 2nd respondent in C.C.P. No.297 of 2019,



on the file of the Tamil Nadu Real Estate Tribunal, has filed the above Civil Miscellaneous Second Appeal.

2. The Tribunal, in M.A.No.1 of 2022 and in A.No.148 of 2021 observed that in the connected appeal in A.No.132 of 2021, the appellant was directed to deposit as per the earlier order passed by the Tribunal and the said amount has to be deposited jointly and severally. The Tribunal directed the appellants to deposit the amounts on or before 20.01.2022 and posted the matter on 21.01.2022.

3. Since the appellant failed to comply with the orders of the Tribunal, by order dated 21.01.2022, the Appellate Tribunal, following the ratio laid down by the Hon'ble Supreme Court in the Judgment reported in CDJ 2021 SC 906 [M/s. Newtech Promoters & Developers Pvt. Ltd. V State of UP and others] , declined to extend the time for depositing the amount and dismissed the appeals.

4. Now, the appellant has challenged only the order dated 05.01.2022 passed by the Appellate Tribunal.

5. Since the appellant had sufficient time i.e. more than a year to comply with the order passed by the Adjudicating Officer, the appellate tribunal has rightly rejected the request of the appellant seeking for extension of time.

6. In these circumstances, following the ratio laid down by the Hon'ble Supreme Court in the judgment cited supra, we do not find any ground to interfere with the order passed by the appellate tribunal. The Civil Miscellaneous Second Appeal is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



Rj
To

The Tamil Nadu Real State Appellate Tribunal,
Chennai.

+1cc to Mr.T.Sundaravadanam, Advocate Sr.20825

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and C.M.P. No.5297 of 2022

gpl[col]
srg 11/04/2022