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C.R.P (NPD).No.1285 of 2022 and
C.M.P.No.6873 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P (NPD).No.1285 of 2022 and
C.M.P.No.6873 of 2022

R.Manju

... Petitioner

Vs.

Meera Balakrishnan

... Respondent

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decreetal order dated 22.03.2022 made in I.A.No.49 of 2020 in O.S.No.233 of 2014 on the file of the Sub-ordinate Court at Tambaram.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.A.M.Venkata Krishnan for Caveator

ORDER

This civil revision petition has been filed to set aside the fair and decreetal order dated 22.03.2022 made in I.A.No.49 of 2020 in O.S.No.233 of 2014 on the file of the Sub-ordinate Court at Tambaram.



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2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The revision petitioner is the defendant in the suit which has been filed by the respondent / plaintiff for the relief of ejectment of the defendant from the suit property. The said suit was decreed exparte. The petitioner/defendant has filed a petition in I.A.No.49 of 2020, to condone the delay of 1684 days in filing the petition to set aside the exparte decree and the same was dismissed. Aggrieved over that, this civil revision petition has been filed.

4. On 18.04.2022, when this matter was taken up for hearing, this Court passed the following conditional order:

“5. Learned counsel for the respondent / plaintiff submitted that the revision petitioner is in arrears of Rs.26,40,000/-. The revision petitioner is now directed to deposit 50% of the same within a period of eight (8) weeks from today. Subject to the deposit, there will be an order of stay.”

5. However, the above said condition was not complied by the revision petitioner. Having kept huge hefty sum of Rs.26,40,000/- as arrears of rent



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and continues to commit default in paying the rest of the rent also, the petitioner had filed a petition to condone the inordinate delay of 1684 days.

The said petition was filed at the time when the Execution Court has to pass an order for delivery.

6. The learned counsel for the respondent / plaintiff submitted that this kind of petitions have been filed by the petitioner only to drag the proceedings and to squat upon the demised property without paying any rent, thereby causing irreparable loss to the respondent.

7. The conduct of the revision petitioner in not paying the rental arrears itself would show the lack of bonafideness on her part. It is seen that the only intention of the petitioner is to drag the proceedings to the extent possible. The learned Trial Judge has rightly dismissed the petition for condoning the delay. Therefore, I find no reasons to interfere with the order passed by the learned Trial Judge.

8. Accordingly, this civil revision petition stands dismissed. The order passed by the learned Sub-Judge, Tambaram, made in I.A.No.49 of 2020 in



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R.N.MANJULA, J

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O.S.No.233 of 2014 dated 22.03.2022, is confirmed. However, the learned
gsk
Executing Judge is directed to dispose the execution proceedings as
expeditiously as possible. No costs. Consequently, connected miscellaneous
petition is closed.

21.06.2022

Index: Yes/No
Speaking / Non Speaking Order
gsk

To
The Sub-ordinate Court,
Tambaram.

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