



C.R.P.(NPD)No.1972 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

COAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(N.P.D).No.1972 of 2022
and C.M.P.No.10012 of 2022

T.Anbalagan

... Petitioner

..Vs..

S.Rajabunisha

... Respondent

Prayer :- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 01.04.2022 passed in I.A.No.2 of 2021 in I.A.No.1 of 2019 in R.C.O.P.No.217 of 2017 by the learned Rent Controller and Principal District Munsif, Coimbatore and the dismiss the petition for extension of time for payment of cost in condone delay application by allowing this CRP.

For Petitioner : Dr.S.S.Swaminathan

ORDER

This Civil Revision Petition has been preferred challenging the order dated 01.04.2022 passed in I.A.No.2 of 2021 in I.A.No.1 of 2019 in R.C.O.P.No.217 of 2017 by the learned Rent Controller and Principal District Munsif, Coimbatore.

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2. Heard the learned counsel for the petitioner and perused the materials available on record.

3.The revision petitioner is the landlord, who filed eviction petition against the respondent/tenant and the said petition was allowed *ex parte*. Subsequently, the respondent/tenant filed an application to set aside the *ex parte* order along with an application to condone the delay and the same was allowed on condition to pay a sum of Rs.1,000/- as cost. The outer limit for paying the cost was till 01.09.2021. However, the respondent/tenant failed to pay the cost and filed an application in I.A.No.2 of 2021 for extension of time. The learned Rent Controller allowed the same by granting time till 25.04.2022. Aggrieved over that, the landlord has filed this Civil Revision Petition.

4. The learned counsel for the petitioner submitted that having failed to pay the cost within the time limit fixed by the Court, he cannot file the application seeking extension of time, after several months and the said application ought to have been dismissed in-limine.

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5. It is true that the application in I.A.No.2 of 2021 has been filed after the final order passed in I.A.No.1 of 2019, for non-compliance of the order. The learned trial Judge relied on the judgment of this Court in ***Kumarasamy and another Vs. Palaniyammal*** reported in [2015 (2) ***MLJ 147***] and extended the time till 25.04.2022. Since the said period has been lapsed, nothing survives for adjudication in this revision petition.

6.However, if the respondent/tenant pays the cost at least within the time limit, the revision petitioner is at liberty to withdraw the same.

7. In view of the above, this Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

28.06.2022

Index:Yes No
Speaking Order:Yes/No
ms



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R.N.MANJULA, J.

ms

To

The Rent Controller and
Principal District Munsif,
Coimbatore.

**C.R.P.(NPD).No.1972 of 2022
and
C.M.P.No.10012 of 2022**

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