

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Eleventh day of July Two Thousand Twenty Two

PRESENT

THE HON`BLE MS.JUSTICE R.N.MANJULA

CMP.No.9371 of 2022

in CRP(NPD).No.1173 of 2022

ORIENTAL INSURANCE COMPANY LTD., [PETITIONER]
DIVISIONAL OFFICE, REP.BY ITS
DIVISIONAL MANAGER, MAHALAKSHMI MANSION,
1ST FLOOR, OLD NO.14,
NEW NO.29, 1st MAIN ROAD,
GANDHI NAGAR, ADYAR,
CHENNAI-600 020.

Vs

TRICHY DISTILLERIES AND CHEMICALS LTD., [RESPONDENT]
REP. BY ITS DIRECTOR R.V.THYAGARAJAN,
112, UTHAMAR GANDHI SALAI,
NUNGAMBAKKAM, CHENNAI-600 034

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order to extend or enlarge the time limit prescribed in C.R.P.No.1173/2022 by one more month for depositing the differential rent for the period from filing R.C.O.P. to till date of order amounting to Rs.77,25,006/- to the credit of the R.C.O.P.No.955/2016(C.M.P.No.9371 of 2022)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.P.S.BASKER, Advocate for the petitioner and of M/S.P.L.NARAYANAN, Advocate for the Respondent, the court made the following order:-

This Civil Revision Petition has been preferred challenging the fixation of fair rent done by the Courts below.

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

" The revision petitioner is directed to deposit the differential rent for the period from filing of the RCOP till date, to the credit of RCOP No.955 of 2016 on the file of the XVI Judge, Small Causes Court, Chennai. This shall be deposited, either wholly within a month, or in two equal instalments, spread over to two months period and the time starts now.

Post the matter on 11.07.2022."

3. In compliance of the order, the differential rent was not deposited either wholly within a month or in two equal instalments, spread over to two months period from the date of the order. Thereafter, the petitioner has filed a petition for extension of time.

4. When the matter is taken up for hearing today, the learned counsel for the petitioner submitted that he has filed a petition for extension of time to pay the differential amount, by having the differential amount drawn in a Demand Draft in favour of the Court and he is ready to deposit the same.

5. Though, the learned counsel for the respondent did not have any objections for extending the time, he requested for modification of the earlier order to the effect that the differential Rent can be ordered to be paid to him directly instead of depositing in the Court.

6. This petition seeking for extension of time is filed to condone the delay in complying the earlier conditional order by extending the time to pay the differential amount. Since, the earlier order stands good and it was not modified any time thereafter, the Court cannot interfere with the earlier order.

7. Learned counsel for the petitioner has stated that due to Covid pandemic and other related reasons, the petitioner could not deposit the amount as ordered by this Court.

8. Considering the reasons stated by the learned counsel for the petitioner, I feel that the petition should be allowed and two weeks time should be granted to deposit the amount in terms of the earlier conditional order of this Court dated 18.04.2022.

9. Accordingly, this Civil Miscellaneous Petition is allowed and the petitioner is directed to deposit the differential rent from the date of filing of the RCOP to till date, to the credit of RCOP.No.955 of 2016 on the file of the XVI Judge, Small Causes Court, Chennai within a period of two weeks from the date of receipt of a copy of this order.

10. Post the matter after two weeks.

-sd/-
11/07/2022
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE VII JUDGE,
SMALL CAUSES COURT, CHENNAI.

2 THE X JUDGE,
SMALL CAUSES COURT, CHENNAI.

COPY TO

THE XVI JUDGE,
SMALL CAUSES COURT, CHENNAI

C.C. to M/S.P.S.BASKER Advocate SR.NO.5447/2022

Order
in
CMP.No.9371 of 2022

in CRP(NPD).No.1173 of 2022

Date :11/07/2022

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GS(12/07/2022) (IT)