



CRP Nos.136 & 548 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.Nos.548 & 136 of 2017
and CMP.Nos.2779 & 623 of 2017

P.Perumal
R.Ramalingam

..Petitioner in CRP.No.548 of 2017
..Petitioner in CRP.No.136 of 2017

Vs.

1.L.Mythili (Deceased)

2.Geetha

3.Radha

4.Prabha

5.Jayabhakiyam

..Respondents in both CRPs

[RR2 to 4 brought on record as LR's of the deceased sole respondent viz., L.Mythili vide order dated 29.10.2021 made in CMP.No.12476 of 2021 in CRP.No.548 of 2017 and CMP.No.14632 of 2021 in CRP.No.136 of 2017 and R5 impleaded as a party respondent vide order dated 18.10.2021 made in CMP.No.1551 of 2021 in CRP.No.548 of 2017 and CMP.No.14629 of 2021 in CRP.No.136 of 2017]

Prayer in CRP.No.548 of 2017: Civil Revision Petition filed under Section 25 of Tamil Nadu Lease and Rent Control Act, 1960, to set aside the fair and decretal order dated 05.10.2016 passed in I.A.No.43 of 2014 in R.C.A.SR.No.6199 of 2014 on the file of the Subordinate Judge, Tambaram,



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and order dated 28.02.2014 passed in R.C.O.P.No.34 of 2010 on the file of the District Munsif Court, Alandur.

Prayer in CRP.No.136 of 2017: Civil Revision Petition filed under Section 25 of Tamil Nadu Lease and Rent Control Act, 1960, to set aside the fair and decreetal order dated 05.10.2016 passed in I.A.No.47 of 2014 in R.C.A.SR.No.6220 of 2014 on the file of the Subordinate Judge, Tambaram, and order dated 28.02.2014 passed in R.C.O.P.No.35 of 2010 on the file of the District Munsif Court, Alandur.

(In both the cases)

For Petitioner : Mr.P.Manikannan

For Respondents

For R5 : Mr.N.Nithanandam

ORDER

These civil revision petitions have been filed as against the fair and decreetal order dated 05.10.2016 passed in I.A.Nos.43 and 47 of 2014 in R.C.A.SR.Nos.6199 and 6220 of 2014 on the file of the Subordinate Judge, Tambaram, and order dated 28.02.2014 passed in R.C.O.P.Nos.34 and 35 of 2010 on the file of the District Munsif Court, Alandur, thereby dismissing the petition filed to condone the delay of three days in filing the appeal.

2. The petitioner is a tenant in the premises owned by the respondents.

The deceased respondent filed an Eviction Petition on the ground of wilful



default and the same was allowed. Pending the said Eviction Petition, the petitioner filed a petition in RCOP.No.42 of 2010 to deposit the rent. The Eviction Petition was allowed and depositing of rent petition was dismissed. Aggrieved by the same, the petitioner preferred an appeal before the learned Rent Control Appellate Authority with a delay of three days. In the petition filed to condone the delay, the learned Rent Control Appellate Authority allowed the petition on condition to deposit the fair rent at Rs.2,423/- from August 2008 to March 2015 within 15 days. The petitioner failed to comply with the same. Thereafter, the said application was dismissed. Aggrieved by the same, these revisions.

3. The learned counsel for the petitioner would submit that the petitioner preferred two appeals before the learned Rent Control Appellate Authority. One was as against the order passed in Eviction Petition filed on the ground of wilful default in RCOP.No.34 of 2010 and another appeal filed as against the order passed in RCOP.No.42 of 2010 for the deposit of rent. The learned Rent Control Appellate Authority allowed the petition for Eviction on the ground of wilful default and dismissed the petition seeking permission to deposit the rent. Both the appeals were filed with a delay of three days in filing the appeal. I.A.No.43 of 2014 was ordered on 02.06.2015 on condition that the petitioner



shall pay a fair rent at Rs.2423/- from August 2008 to March 2015 within a period of 15 days. The petitioner filed a condone delay petition in I.A.No.39 of 2015, in which, the learned Rent Control Appellate Authority allowed the same on the same day and on same condition. Thereafter, the petitioner could not comply with the said condition imposed on him. Therefore, the petitioner filed a petition before the learned Rent Control Appellate Authority for clarification. Without considering the same, the learned Rent Control Appellate Authority had dismissed the application.

4. A perusal of records revealed that the petitioner filed an appeal as against the order of eviction on the ground of wilful default with the delay of three days in I.A.No.43 of 2014 in which, the learned Rent Control Appellate Authority, by an order dated 02.06.2015, directed the petitioner to deposit the fair rent fixed at Rs.2423/- from August 2008 to March 2015 within a period of 15 days. The petitioner also filed another appeal as against the dismissal of RCOP, seeking permission to deposit the rent before the learned Rent Control Appellate Authority with delay of three days in I.A.No.39 of 2014 in which, the learned Rent Control Appellate Authority allowed with same condition. The facts remains that the petitioner did not even comply with that. In verification and clarification petition, he stated so many things and raised grounds



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challenging the order passed by the learned Rent Control Appellate Authority.

Therefore, the learned Rent Control Appellate Authority rightly dismissed the application to condone the delay of three days in filing the appeal. Even till today the petitioner did not pay any rent to the respondents so far. Hence, this Court finds no infirmity or illegality in the order passed by the Courts below.

5. Accordingly, these civil revision petitions stand dismissed and the petitioner is directed to vacate the premises and hand over the vacant possession to the respondents on or before 31.01.2022. No costs. Consequently, connected miscellaneous petitions are closed.

16.12.2022

Speaking/Non-speaking order

Index : Yes/No

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To

The Subordinate Judge,
Tambaram.



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G.K.ILANTHIRAIYAN.J.

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