



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Twenty Third day of August Two Thousand
and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD)No.7271 of 2022

in

CRP(MD)No.1853 of 2019

Kurtalam

... Petitioner/Petitioner

Vs

1.Rukumani Devi

2.Radhamani

... Respondents/Respondents

Prayer in CMP(MD)No.7271 of 2022 :- Civil Miscellaneous Petition filed under Order 41 Rule 19 and Section 151 of C.P.C., to restore the Civil Revision Petition in C.R.P.(MD)No.1853 of 2019 on the file of the this Hon`ble Madras High Court, Madurai Bench, which was dismissed for default on 04-04-2022 and thus render justice.

Prayer in CRP(MD)No.1853 of 2019:- Civil Revision Petition filed under Section 25 of the Tamil Nadu Building Lease and Rent Control Act against the Judgment and Decree passed in RCA.No.2 of 2018 on the file of the Rent Control Appellate Authority/Subordinate Court, Sankarankovil, dated 20.08.2019 confirming the Judgment and Decree passed in RCOP.No.4 of 2009 on the file of the Rent Control Tribunal/Principal District Munsif Court, Sankarankovil, dated 29.10.2018.

ORDER:- This Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.Selvanathan, Advocate for the Petitioner and of Mr.V.Perumal, Advocate for the Respondents, this Court made the following order:-

This application is filed by the petitioner for restoring the civil revision petition in CRP(MD)No.1853 of 2019, which was dismissed for non-prosecution on 04.04.2022. The said revision petition was filed as against the judgment and decree passed in RCA.No.2 of 2018 on the file of the Rent Control Appellate Authority / Sub Court, Sankarankovil, dated 20.08.2019 confirming the judgment and decree passed in RCOP.No.4 of 2009 on the file of the Rent Control Tribunal / Principal District Munsif Court, Sankarankovil,



dated 29.10.2018.

2.Learned Counsel for the petitioner submitted that the previous Counsel failed to appear before the Court at the time of hearing and the petitioner, on verification with the previous Counsel, came to know that the revision petition has been dismissed for non-prosecution. Immediately, the petitioner has engaged the present Counsel and without any delay, the present miscellaneous petition is filed to restore the revision petition.

3.Learned Counsel for the respondents / landlords strongly objected this application and submitted that both the Courts below have concurrently held as against the petitioner / tenant. Even this Court in the earlier occasions, after hearing the learned Counsel on either side, expressed its inclination to dismiss the revision petition on merits. However, at the instance of the then petitioner's Counsel for filing an affidavit mentioning the period within which the premises would be vacated, the matter was adjourned. Thereafter, there was no representation for the petitioner and the matter was left to dismiss for default. In fact, the present Counsel is the third Counsel on record for the petitioner. Therefore, he strongly objected for allowing the present application.

4.This Court perused the available materials.

5.Though the learned Counsel for the respondents is having certain grievance, this Court is satisfied with the reasonings assigned in the petition in CMP(MD)No.7271 of 2022 for restoration. Accordingly, this civil miscellaneous petition is allowed and the civil revision petition is restored to file.

Registry is to list the main revision petition for final disposal on 29.08.2022, at 02.15 pm.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/08/2022

Sub Assistant Registrar(CS)

TO

1.The Subordinate Judge,
Rent Control Appellate Authority,
Sankarankovil.



CMP(MD).



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2.The Principal District Munsif,
Rent Control Tribunal,
Sankarankovil.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 23/08/2022

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ORDER

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CMP (MD) No.7271 of 2022

in

CRP (MD) No.1853 of 2019

Giving direction and etc.
as stated within.

KB(26.08.2022) 3P 4C