



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Fourteenth day of September Two Thousand and Twenty
Two

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CMP(MD). No.6390 of 2022
in
CRP(MD).No. 70 of 2022

Muthu Balu

... Petitioner/ Petitioner

Vs

P. Nataraja Sundaram

... Respondent/Respondent

Prayer in CMP(MD). No.6390 of 2022:-

This Civil Miscellaneous Petition filed Under Section 151 of C.P.C., praying this Court to recall the order dated 02.03.2022 passed in C.R.P. (MD). No. 70 of 2022 by restore the CRP.

Prayer in CRP(MD). 70/ 2022 :-

This Civil Revision Petition filed under Section 25 of the Building (Lease and Rent) Control Act 1960, praying this Court to allow this Civil Revision Petition and set aside the impugned Fair and Decreetal Order passed by the Learned Rent Controller Appellate Authority/ Principal Subordinate Judge, Madurai dated 24.11.2021 in R.C.A. No. 22 of 2020 by confirming the Fair and decreetal order passed by the Learned Rent Controller/Principal District Munsif, Madurai Town dated 14.02.2020 in R.C.O.P. No. 108 of 2016 and dismiss the same.

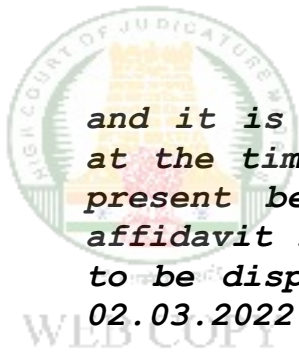
ORDER:-

This Civil Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. R.Rajamohan, Advocate for the Petitioner and of Mr.N.Vallinayagam, Advocate for the respondent, this Court made the following order:

" This Court, by order dated 02.03.2022, disposed of the Civil Revision Petition in CRP(MD)No.70 of 2022, based on the undertaking affidavit filed by the petitioner and directed the petitioner to hand over the possession on or before 31.05.2022.

2. Now, this petition has been filed to recall the order dated 02.03.2022 passed in CRP(MD)No.70 of 2022 and restore the Civil Revision Petition.

3. The learned counsel appearing for the petitioner submits that the petitioner is running a Tea Shop in front portion of the premises and residing in the remaining rear portion of the premises



and it is his only source of livelihood. He further submitted that at the time of disposal of the Civil Revision petition, he was not present before this Court and based on the earlier undertaking affidavit filed by the petitioner, the Civil Revision Petition came to be disposed of. Therefore, he seeks to recall the order dated 02.03.2022.

4. According to the petitioner, the order of this Court dated 02.03.2022 came to be passed without his presence. It is seen that the petitioner has already filed an undertaking affidavit on 25.01.2022. Based on the said undertaking affidavit only, this Court, by order dated 02.03.2022, passed an order directing the petitioner to hand over the possession on or before 31.05.2022. Therefore, it cannot be said that the order dated 02.03.2022 has been passed without the presence of the petitioner and his counsel. Further, except the above said reason, the petitioner has not adduced any valid reason to recall the order dated 02.03.2022 passed by this Court in CRP(MD)No.70 of 2022. Therefore, this Court is not inclined to recall the order dated 02.03.2022. Accordingly, the Civil Miscellaneous Petition is closed."

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/11/2022

Sub Assistant Registrar(CS)

To
1.The Principal Sub Judge,
Rent Controller Appellate Authority,
Madurai.

2.The Principal District Munsif,
Rent Controller ,
Madurai.

ORDER DATED : 14/09/2022

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ORDER

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CMP(MD) . No.6390 of 2022

in

CRP(MD).No. 70 of 2022

Giving direction and etc.
as stated within.