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C.R.P.(NPD)No.2999 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(NPD)No.2999 of 2021
and CMP.Nos.21349 of 2021 & 7493 of 2022

P.S.Duraisamy

.. Petitioner

vs

N.Sampathkumar

.. Respondent

Petition filed under Section 115 of the Code of Civil Procedure against the order and decree dated 13.12.2021 (“impugned order”) passed in E.P.No.198 of 2019 on the file of the Principal District Munsif, Coimbatore, passing an order of delivery.

For Petitioner : Mr.V.Sivakumar
for Mr.P.B.Ramanujam

For Respondent : Mr.V.Sivakumar

ORDER

The revision was predicated on the ground of Rule 12(3) third proviso of the Tamil Nadu Buildings (Lease and Rent Control) Rules. At the time the revision was taken up for final disposal, Mr.V.Sivakumar, learned counsel appearing for the petitioner would fairly submit that this



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is not the first application, but the second application under Rule 12(3).

The benefit of automatic stay under the third proviso to Rule 12(3) applies only when the petitioner has moved for the first time and that too without delay. Here, a condonation of delay application is pending in I.A.No.1 of 2020. Therefore, the said proviso does not apply and consequently, the basis on which the revision has been filed vanishes.

2.The petitioner, having made out an application in I.A.No.1 of 2020, which is an application to condone the delay in filing the application to set aside the exparte decree, the learned Rent Controller, Coimbatore is requested to take up the application and dispose of the same within a period of four (4) weeks from today.

3.With the above observations, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

31.07.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

vs

Note:Upload this order on 31.07.2023.

To

The Principal District Munsif,
Coimbatore.



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V. LAKSHMINARAYANAN,J.

VS

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