



C.R.P.No.3676 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.12.2023

CORAM :

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.No.3676 of 2023
and C.M.P.No.23050 of 2023

K.Jagadeesan

... Petitioner

-VS-

1.Balamurugan

2.K.Subramani

3.Kannammal

4.Anjalam

(The respondents 2 to 4 are not necessary parties) ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal orders dated 10.07.2023 passed by the Principal District Munsif – Rent Controller, Kancheepuram in M.P.No.1 of 2022 in R.C.O.P.No.3 of 2008.

For petitioner : Mr.N.Sivaprakash

For respondents : Mr.U.Manisekaran for R1

For RR 2 to 4 – AoS not filed.



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ORDER

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Challenging the order dated 10.07.2023 passed in M.P.No.1 of 2022 in RCOP.No.3 of 2008, this revision has been filed by the tenant who is the second respondent in the RCOP.

2. RCOP.No.3 of 2008 has been filed by the landlord against the tenant for eviction. As the petitioner did not contest the case, an exparte decree was passed in the said RCOP. Thereafter, he filed a petition in M.P.No.1 of 2022 to condone the delay of 1771 days in filing an application to set aside the exparte decree. The said application was dismissed by the trial court, against which the present revision has been filed.

3. Learned counsel for the petitioner submits that the petitioner was not well during the year 2016 and taking treatment for nerves problems. On continues medical treatment taken by him, he could not contact his counsel. Upto the year 2021 when the execution petition in E.P.No.57 of 2021 was filed, the petitioner did not know about the exparte decree and due to Covid-



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19 pandemic, he could not contest the case thereafter also.

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4. Learned counsel for the first respondent/landlord would submit that no proper reason was assigned by the petitioner before the trial court for such an inordinate delay and the petitioner not even filed any medical evidence to show his illness. He would also submit that the petitioner never paid any rental arrears for those long period of time and hence the petitioner has no locus standi to contest the case.

5. Heard the submissions made on either side and perused the materials available on record.

6. Considering the submissions made on either side and perusing the materials available on record, this court is of the view that one opportunity should be given to the tenant/petitioner to contest the case. Accordingly, the petitioner/tenant is directed to pay a sum of Rs.20,000/- as cost to the landlord/first respondent within a period of four weeks from the date of receipt of a copy of this Order. On payment of cost, M.P.No.1 of 2022 is allowed and the rent controller is directed to dispose of RCOP.No.3 of 2008



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within a period of three months thereafter.

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7. With the above directions, this civil revision petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Internet : Yes/No

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To

The Principal District Munsif – Rent Controller
Kancheepuram.



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T.V.THAMILSELVI, J.,

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