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C.R.P.No.3195 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM : JUSTICE N.SESHASAYEE

C.R.P.No.3195 of 2019
and CMP.No.20801 of 2019

Anandha Pandian

.... Petitioner / Petitioner /
Appellant / Respondent

Vs

S.Manivelu

.... Respondent / Respondent /
Respondent / Petitioner

Prayer : Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 as amended by Tamil Nadu Act 23 of 1973 praying to set aside the decree and order of the VII Judge, Court of Small Causes at Chennai in M.P.No.668 of 2015 in R.C.A.SR.21826 of 2015 dated 04.07.2018.

For Petitioner : Dr.C.Ravichandran
for Mr.S.D.Venkateswaran
For Respondent : No Appearance

ORDER

The revision petition is preferred by a tenant challenging the order passed by the Rent Control Appellate Authority dismissing his application for condonation of



C.R.P.No.3195 of 2019

delay of 622 days under Section 5 of the Limitation Act in preferring an appeal against the order of eviction passed by the Rent Controller in RCOP.No.1132/2011.

2. The respondent has been served with the notice of revision, but he chose not to enter appearance.

3. Heard Dr.C.Ravichandran for the revision petitioner. The learned counsel for the revision petitioner / tenant submits that during the pendency of the execution proceedings before the Rent Controller, the landlord and the tenant entered into a sale agreement on 13.03.2013, and that this was disclosed even before the Rent Controller, which the landlord had subsequently admitted before the Rent Control Appellate Authority. Since the landlord promised that he would not execute the eviction order, the tenant did not prefer an appeal, and was hoping the landlord to perform his part of the contract. However, the landlord chose to approach the police for forcible eviction and alerted by that move, the tenant had rushed to the Rent Control Appellate Authority with an appeal along with M.P.No.668/2015 in RCA.SR.No.21826 of 2015 for condonation of delay of 622 days in preferring an appeal. The learned counsel submitted that the tenant has



C.R.P.No.3195 of 2019

WEB COPY

disclosed the sale agreement in his affidavit, and the landlord has admitted it in his counter in paragraph Nos.6 and 7.

4. This Court is satisfied with the reasons stated for condonation of delay and allows the revision. And given the factual backdrop in which the appeal is filed, this Court does not consider it necessary to fasten the tenant with any costs. Consequently, connected miscellaneous petition is closed.

21.03.2023

Index : Yes / No
Speaking order / Non-speaking order
ds

To:

- 1.The District Munsif
Tiruvarur.
- 2.The Section Officer
VR Section, High Court, Madras.



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C.R.P.No.3195 of 2019

N.SESHASAYEE.J.,

ds

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