



CMP(MD). No.16771 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Eighth day of December Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P.B. BALAJI

CMP(MD). No.16771 of 2023
in
CRP(MD) No.1914 of 2023

Hameetha

... Petitioner/Petitioner

Vs

1 P.S.M.Mohammed Umar Lebbai,
Thaika Street Kayalpattinam Tiruchendur.
Rep. Through Their Power of Attorney
P.A. Mohamed Hajiya Puthukadai Street
Kayalpattinam, Tiruchendur Taluk,
Thoothukudi District.

2 P.S.Ilyas
Thaika Street Kayalpattinam Tiruchendur.
Rep. Through Their Power of Attorney
P.A. Mohamed Hajiya Puthukadai Street
Kayalpattinam ,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents/Respondents



CMP(MD). No.16771 of 2023

Prayer :-

Civil Miscellaneous Petition filed under section 5 of Limitation Act To pass order to restore the CRP(MD). No.1914 of 2013 by setting aside the dismissal order dated 18.04.2023 and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in CRP(MD). 1914/ 2013 :

Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 To set aside the Fair and Decreetal order made in R.C.A.No.6 of 2008 dated 14.03.2012 passed by the Rent Control Appellate Authority/Subordinate Judge, Tuticorin and restore the order made in R.C.O.P.No.4 of 2004 dated 13.02.2008 passed by the Rent Controller Cum Principal District Munsif Cum Judicial Magistrate, Tiruchendur and thus render justice.

ORDER:- This 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.G.Rajaraman Advocate for the Petitioner this Court made the following order:

The learned counsel for the respondents submits that pursuant to the condone delay application being allowed, his clients have taken back the papers.

2.I have gone through the affidavit filed in support of the present application to restore the civil revision petition to file. The delay in filing the said application has already been condoned by an order dated 07.12.2023. It is seen from the order dated 18.04.2023 that the Civil Revision Petition was dismissed for non-prosecution and on the said date as well as two earlier occasions, the respondents were also un-represented.



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3. In view of the condone delay application being allowed, no serious prejudice would be caused to the respondents if the Civil Revision Petition is restored to file and they are also heard before any final orders are passed in the main revision.

4. Hence, the Civil Miscellaneous Petition is allowed.

5. Registry is directed to restore C.R.P(MD)No.1914 of 2013.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/12/2023

Sub Assistant Registrar(CS)

TO

1. The Subordinate Judge,
Rent Control Appellate Authority/
Tuticorin.

2. The Principal District Munsif
cum Judicial Magistrate
Tiruchendur.



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Copy to:

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

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai(2 copies)

ORDER DATED : 08/12/2023

Hearing Date : 11/01/2024

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Restore

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CMP(MD). No.16771 of 2023

in

CRP(MD) No.1914 of 2013

Giving direction and etc.

as stated within.

SSA/26.12.2023 4P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023