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A.No.3348 of 2024
in C.S.No.2 of 2020

RMT.TEEKAA RAMAN, J.

The defendants who are the applicants herein filed this petition to condone the delay of 422 days in preferring the appeal against order dated 26.04.2023 in C.S.No.2 of 2020 passed by this Court.

2. The plaintiffs/respondents herein are the landlords and the applicants are the tenants. The fair rent proceedings have been initiated in RCOP No.4187 of 2008 before the XI Court of Small Causes, Chennai against the applicants/tenants and the same was decreed and fair rent was fixed @ Rs.73,175/- per month. On appeal in RCA No.576 of 2013, the fair rent was confirmed.

3. The applicants/defendants appears not to have paid the fair rent to the respondents/plaintiffs. Hence, the present C.S.(Summary Suit) No.2 of 2020.



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4. Record reveals that the earlier counsel for the defendants filed application to leave to defend and the same was allowed on 04.08.2022 on condition that the arrears of rent amount shall be deposited in court within three months. However, the conditional order was not complied with. Hence, the suit was decreed on 26.04.2023 against which appeal in Application D.No.59688 of 2023 has been filed.

5. Execution Petition has been filed and E.A.No.1717 of 2024 is filed to direct the Judgment Debtors namely the applicants herein to furnish the details of assets, both movable and immovable, encumbrance free, for the purpose of satisfying the decree and as such petition was filed under Order XXI Rule 41(2) and 41(3) of CPC. Notice was received by the applicant herein.

6. Heard both sides and perused the records.

7. The suit was decreed at the first instance. It is a summary suit. Leave to defend was filed and the same was allowed on condition that the



arrears of rent amount shall be deposited in the Court within three months.

The time line fixed by the learned Master while passing the conditional order in leave to sue petition expired on 04.11.2022. The applicants/defendants have not chosen to comply with the conditional order resulting in passing of the consequential order on 26.04.2023 by the learned Master. As per the decree, the applicants/defendants have to pay a sum of Rs.1,24,21,512/- together with interest.

8. The learned counsel for the applicants/defendants would submit that the earlier counsel has not prosecuted the case in proper manner.

9. The learned counsel for the respondents/plaintiffs resisted the above contention and contended that it is yet another tactics to drag on the proceedings.

10. Considering the fact that the earlier conditional order was not complied with, leave to defend suit was though ordered on condition was dismissed for non-compliance on the part of the applicants/defendants, in the interest of justice, to give an opportunity, this application is allowed on



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payment of Rs.75,00,000/- to the credit of C.S.No.2 of 2020, on or before eight weeks from the date of receipt of copy of this order.

11. Liberty is given to the respondents/plaintiffs to file appropriate application for payment out. This application is ordered on the above terms. Failure to comply with the condition imposed by this Court, this application shall stand dismissed automatically without further reference to this Court.

09.08.2024

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