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C.R.P.(NPD)No.4264 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD)No.4264 of 2019

1.R.Varadaraj
2.R.Sankar
3.R.Saravanan
4.Mrs.R.Maheswari

.. Petitioners

/versus/

P.Girija(died)
(amended as per M.P.No.608 of 2017
dated 11.01.2018)

1.N.Pankajam
2.P.Krishnamoorthy
3.P.Uma Devi
4.P.Jagadesan
5.Mrs.P.Rajalakshmi
(Impleaded as per M.P.No.608 of 2017
dated 11.01.2018)

.. Respondents

Prayer: Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Rent Control) Act against the order dated 21.01.2019 passed in M.P.No.189/2017 in R.C.A.SR.No.16887 of 2017 filed by the VII Rent Controller cum Small Causes, Chennai.



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C.R.P.(NPD)No.4264 of 2019

For Petitioners :Mr. A.Periya Muthu

For Respondents :M/s S.Ramesh

ORDER

This Civil Revision Petition is filed challenging the order passed by the VII Rent Controller-cum-Small Causes Court, Chennai/appellate authority dismissing the petition in M.P.No.189 of 2017 filed by the petitioners to condone a delay of 148 days in filing the appeal.

2. In the affidavit filed in support of the condone delay petition, it was stated by the petitioners that he could not present the appeal in time due to illness.

3. The Rent Control Appellate Authority dismissed the condone delay petition on the ground that reasoning given by the petitioners was vague. It is seen from the records that the petitioners herein filed a petition for conducting enquiry into the offence under Section 340 of Cr.P.C. r/w Section 193 of IPC allegedly committed by the respondents and make a complaint in writing to the concerned Magistrate. The said petition was dismissed by the



C.R.P.(NPD)No.4264 of 2019

Rent Controller on the ground that the Rent Controller is not a Court and therefore, he could not make a complaint under Section 340 of Cr.P.C and the learned Rent Controller also relied on the judgment of the Hon'ble Apex Court in *Iqbal singh Narang and others v. Veeran Narang reported in [(2012) 2 SCC 60]*, for the proposition Rent Controller is not a Court and hence, cannot make a complaint under Section 340 of Cr.P.C.

4. Aggrieved by the same, the petitioners preferred the Revision Petition in C.R.P(NPD) No.3279 of 2016 and the same was dismissed by this Court on 16.11.2016 as not maintainable, in view of the availability of appeal remedy. Thereafter, the petitioners filed an appeal before the Rent Control Appellate Authority on 17.03.2017. In the affidavit filed in support of the condone delay petition, the petitioners have not given any reason explaining the delay. It was stated by the petitioners that he was sick and hence, he was prevented from filing the appeal. However, as per the averments, after recovery the petitioners filed the Revision Petition before this Court and the same was also dismissed on 16.11.2016. However, the Rent Control Appeal was filed only during March 2017. The petitioners have not given any reason



C.R.P.(NPD)No.4264 of 2019

for the delay from November 2016 to March 2017. Further, as per law laid down by the Hon'ble Apex Court, the prayer by the revision petitioner for making complaint under Section 340 of Cr.P.C., also appears to be not maintainable.

5. In such circumstances, the Rent Control Appellate Authority rightly came to the conclusion that there was a failure to give sufficient reasons for condoning the delay and hence, I do not find any error in the order passed by the Rent Control Appellate Authority dismissing the condone delay petition.

6. Accordingly, this Civil Revision Petition is dismissed. No costs.

22.02.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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C.R.P.(NPD)No.4264 of 2019

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VII Rent Controller cum Small Causes, Chennai.



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C.R.P.(NPD)No.4264 of 2019

S.SOUNTHAR, J.
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C.R.P(NPD)No.4264 of 2019

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