



C.R.P.Nos.4981, 4998, 4988 and 4999 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

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THE HON'BLE JUSTICE N.SATHISH KUMAR

C.R.P.(NPD) Nos.4988, 4998, 4981 and 4999 of 2024
and C.M.P.Nos.28027, 28102, 28010 and 28103 of 2024

Mr.Bhadresh ... Common Petitioner/Petitioner/Respondent

-VS-

Mrs.Susheela Kavar ... Common Respondent/Respondent/Petitioner

Prayer in CRP No.4988/2024: Civil Revision Petition filed under Section 115 of CPC to set aside the order dated 13.11.2024 passed in M.P.No.1 of 2024 in R.L.T.O.P.No.542 of 2023 on the file of the learned XVI Judge, Small Causes Court at Chennai and allow the Revision Petition.

Prayer in CRP No.4998/2024: Civil Revision Petition filed under Section 115 of CPC to set aside the order dated 13.11.2024 passed in M.P.No.2 of 2024 in R.L.T.O.P.No.542 of 2023 on the file of the learned XVI Judge, Small Causes Court at Chennai and allow the Revision Petition.

Prayer in CRP No.4981/2024: Civil Revision Petition filed under Section 115 of CPC to set aside the order dated 13.11.2024 passed in M.P.No.1 of 2024 in R.L.T.O.P.No.543 of 2023 on the file of the learned XVI Judge, Small Causes Court at Chennai and allow the Revision Petition.



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Prayer in CRP No.4998/2024: Civil Revision Petition filed under Section 115 of CPC to set aside the order dated 13.11.2024 passed in M.P.No.2 of 2024 in R.L.T.O.P.No.543 of 2023 on the file of the learned XVI Judge, Small Causes Court at Chennai and allow the Revision Petition.

For Petitioner : Mr.S.Srivatsan (in all)
For M/s.Surana and Surana
For Respondent : Mr.V.Ramamurthy

COMMON ORDER

A challenge has been made to the impugned orders dated 13.11.2024 passed in M.P.Nos.1+1 & 2+2 of 2024 in R.L.T.O.P.Nos.542 & 543 of 2024 by the XVI Judge, Small Causes Court, Chennai, by which the petitions filed to condone the delay of 101 days as well as to set aside the *ex parte* order were dismissed.

2. The respondent herein had filed applications under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (in short 'the Act, 2017') for eviction of the revision petitioner, on the ground that after the Act, 2017 came into existence, the tenant had not come forward to enter into an agreement. Learned Rent Court allowed the petitions on 15.02.2024. Aggrieved by the



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same, the revision petitioner / tenant filed applications to condone the delay of 101 days in filing set-aside applications.

3. The reason assigned in the applications was that after receipt of notice in R.L.T.O.P.Nos.542 & 543 of 2024, he engaged a counsel, who was his family friend to conduct the case and the revision petitioner was under the *bona fide* impression that the said case would be duly represented by the counsel engaged by him. However, to the shock and surprise, the revision petitioner received summons in execution proceedings in E.P.Nos.308 and 313 of 2024 and thereafter, he came to know that he was set *ex parte* on 19.10.2023 and the petitions filed by the respondent herein were allowed on 15.02.2024. It is the case of the revision petitioner that the applications filed by the revision petitioner were dismissed by the Trial Court. Since he has got a better case, the delay may be condoned.

4. Learned counsel for the revision petitioner submitted that on account of the mistake on the part of the counsel, he remained *ex parte*. The delay is only 101 days and therefore, he seeks to condone the delay.



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5. In contra, learned counsel for the respondent strenuously contended that the reason assigned in the affidavit is totally false and in fact, no counsel had filed vakalath on behalf of the revision petitioner and therefore, engagement of a counsel is found to be incorrect and sought for dismissal of the petitions.

6. I have perused the material documents available on record.

7. Insofar as condonation of delay is concerned, length of the delay is not a matter. However, sufficient cause has to be shown by the party. In this case, it is the specific case of the revision petitioner that after receiving notice, he had engaged a counsel and the said counsel had miserably failed to conduct the case in a proper manner. It is relevant to point out here that name of the counsel has not been indicated by the revision petitioner in the entire affidavit, whereas it is the contention of the respondent that no vakalath whatsoever has been filed at any point of time and therefore, the argument that the counsel engaged by the revision petitioner did not properly conduct the case cannot be countenanced.



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8. Though the length of the delay of about 3 months appears to be meagre, the Act, 2017 mainly aims to regulate the rent and to balance the rights and responsibilities of landlords and tenants and to provide regulation of the rent as per the agreement so as to decide the rights in a summary manner. The Law mandates that an agreement has to be entered into between the parties within a period of 575 days and the tenant, having failed to do so, cannot, at a later point of time, make a hue and cry that he has a very good case on merits.

9. An Application filed under Section 21 of the Act, 2017 shall have be decided within 30 days, which is the mandate of the Section. When the Law mandates the completion of proceedings, which is summary in nature, within a specified period, the tenant cannot adopt lethargic attitude, that too after receipt of notice. Without engaging any Lawyer, he cannot later complain that his previous Lawyer did not defend the case properly, especially when the name of the Lawyer has not been indicated. Though the length of the delay seems to be small, no sufficient reason has been given in the petitions to condone the delay.



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10. At this juncture, learned counsel for the revision petitioner brought to the notice of this Court the undertaking affidavit filed by the revision petitioner, in which the revision petitioner seeks permission to reside in the subject property till 30.04.2025 and he will hand over the vacant possession of the premises to the landlord on or before the said date, which is accepted by the respondent.

11. The undertaking filed by the revision petitioner is taken on file. Considering the submissions of the learned counsel for the revision petitioner that children of the revision petitioner are studying and that if they are shifted to a new place in the middle of the academic year, their studies would be affected, this Court is inclined to extend the time for vacating the premises by 30.04.2025, with a direction to the Executing Court to postpone the execution proceedings till 30.04.2025. It is made clear that in case the revision petitioner refuses to vacate the premises on or before 30.04.2025, besides delivery by the Executing Court, the revision petitioner can also be proceeded with for violating the undertaking given by



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him before this Court. The undertaking filed by the revision petitioner shall form part of the records.

12. While confirming the order of the Trial Court, these Civil Revision Petitions are disposed of with the above direction. For the sake of brevity, it is reiterated that time for vacating the premises is hereby extended upto 30.04.2025. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.12.2024

Index: Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order
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To:

XVI Judge,
Small Causes Court at Chennai



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N.SATHISH KUMAR,J.,
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