



C.R.P.(MD)No.1529 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1529 of 2024

and

Caveat No.1333 of 2024

and

C.M.P.(MD)No.9008 of 2024

O.B.Maheswari

... Petitioner / Petitioner / Appellant

Vs.

M.Alagappan

... Respondent / Respondent / Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 17.04.2024 made in I.A.No. 8 of 2024 in unnumbered RLTA No.--/2024, on the file of the Principal District Judge, Madurai.

For Petitioner : Mr.K.K.Senthil

For Respondent : Mr.AN.Ramanathan



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ORDER

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Heard both sides.

2. The respondent herein filed R.L.T.O.P.No.130 of 2020 before the rent controller for evicting the petitioner herein. It was allowed on 09.11.2022. Challenging the same, the petitioner filed an appeal before the rent tribunal. The petitioner failed to number the appeal in time. There was a delay of 344 days in re-presenting the papers. Seeking condonation of the said delay, I.A.No. 8 of 2024 was filed. It was dismissed vide order dated 17.04.2024. Challenging the same, this Civil Revision Petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the civil revision petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. I am not swayed by the said submission. In normal circumstances, this Court would unhesitatingly and without notice to the opposite party condone the delay in re-presentation of the petition / appeal. In this case, such liberal approach cannot be adopted. The learned counsel for the landlord points out



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that EP was filed in time and it is posted at the stage of delivery. He also points out that the rents have not been paid for more than four years and as a result, the rental arrears have mounted to almost Rs.20,00,000/-. I indicated to the petitioner's counsel that I would be inclined to allow the CRP, if the rental arrears are liquidated immediately. Positive response is not forthcoming. The rent tribunal / Principal District Judge, Madurai has given elaborate and solid reasons as to why the delay cannot be condoned. I do not find any ground to interfere.

5. The Civil Revision Petition is dismissed. No costs. Consequently, the caveat petition and the miscellaneous petitions are closed.

13.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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NOTE:Registry is directed to return the original plaint to the learned counsel for the revision petitioners for re-presentation before the court below.

To:

The Principal District Judge, Madurai.



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G.R.SWAMINATHAN, J.

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