



C.R.P(MD)No.3178 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 15.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY**

**C.R.P(MD)No.3178 of 2023**

G.Mookandi

... Petitioner

Vs.

1.Soundarrajan

2.Sekar

3.Janakiram

4.Gokul

...Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order in I.A.No.7 of 2022 in I.A.No.6 of 2020 in I.A.No.187 of 2018 in RCOP.No.67 of 2017 dated 15.06.2023 on the file of the Principal District Munsif, Tirunelveli.

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.T.Selvan

### **ORDER**

This civil revision petition is filed to set aside the order dated 15.06.2023 made in I.A.No.7 of 2022 in I.A.No.6 of 2020 in I.A.No.187 of 2018 in RCOP.No.67 of 2017.

2. The prayer itself would reveal the reckless manner in which the case has been conducted by the petitioner/ tenant. Therefore, the trial Court has



C.R.P(MD)No.3178 of 2023

rightly dismissed the application and the petitioner is being a tenant is not put to grave prejudice. The tenancy is also residential. Therefore, considering the fact that earlier an opportunity was given by the trial Court and inspite of the same, the petitioner did not pay the cost and did not appear before the trial Court and even thereafter, filed this petition to restore the said application along with the condonation of delay, this Court is unable to interfere with the order of the trial Court.

3. In view thereof, the Civil Revision Petition shall stand dismissed. However, the learned counsel appearing on behalf of the petitioner prays for a breathing time for the petitioner to vacate the suit property. The learned counsel appearing on behalf of the respondents/ landlord would submit that already delivery has been ordered. Considering the submissions made by both sides learned counsel, on condition that the petitioner should file an unconditional undertaking affidavit to vacate the premises on or before 30.10.2024, time is extended till 30.10.2024. If such an affidavit is not filed on or before 24.07.2024, then the trial Court shall proceed further with the effecting of the delivery. No costs.

**15.07.2024**

NCC:Yes/No  
Index:Yes/No  
*Rmk*



C.R.P(MD)No.3178 of 2023

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To  
The Principal District Munsif, Tirunelveli.



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C.R.P(MD)No.3178 of 2023

**D.BHARATHA CHAKRAVARTHY, J.**

*Rmk*

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