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Civil Revision Petition No. 1089 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.P D.No.1089 of 2024
and C.M.P.No. 5651 of 2024

R.Muthukumaran

... Petitioner

Vs

1. K.S.Seshadri

2. India Seshadri

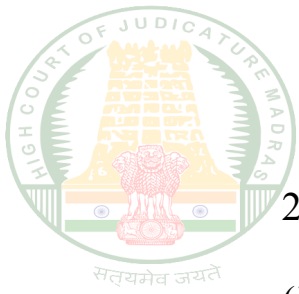
...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to allow the above revision petition by setting aside the order and decree made in E.A.No.3 of 2023 in E.P.No.30 of 2023 in R.L.T.O.P.No.34 of 2020 dated 08.02.2024 on the file of the Rent Controller, Principal District Munsif at Alandur.

For Petitioner : Mr.G.V.Sridharan
For Respondents :Mr.S.Thiruvengadam

ORDER

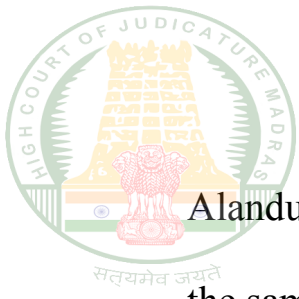
The respondent/tenant has filed this Civil Revision Petition challenging the order passed in E.A.No.3 of 2024 in E.P.No.30 of 2023 in R.L.T.O.P.No.34 of 2020 by the Principal District Munsif, Alandur.



2. The facts are briefly set out herein below:

(i) The landlords had filed R.L.O.P.No.34 of 2020 on the file of the Principal District Munsif, Alandur seeking eviction on the ground that the tenant has failed to respond to the notice dated 03.07.2019 calling upon him to execute the rental agreement despite receiving the same. That apart, the landlords have also sought eviction on the ground that the petition premises is required by them.

(ii) The petitioner herein, who had entered appearance, did not file a counter despite being granted sufficient opportunities. Therefore, he was set ex-parte. After trial, the R.L.O.P was allowed and the petitioner herein was directed to vacate and handover possession within a period of 2 months. The said O.P. was sought to be executed by the respondents by filing E.P.No.30 of 2023. Once again, the petitioner herein had entered appearance through a counsel but had failed to file his counter and therefore, he was set ex-parte on 05.07.2023. He had therefore filed E.A.No.3 of 2023 to set aside the ex-parte order dated 05.07.2023 in E.P.No.30 of 2023. This petition was dismissed by the learned Principal District Munsif,



Alandur who had taken note of the conduct of the petitioner. Challenging the same, the petitioner is before this Court.

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3. Heard the learned counsels on either side and perused the materials available on record.

4. A mere perusal of the impugned order would clearly show that the petitioner herein, right from the proceedings in the original petition, has been totally indifferent and has not been bonafidely prosecuting his case. He permitted the main O.P to be allowed without even filing a counter. Further, even in the E.P, he has filed his vakalat but had thereafter remained absent and therefore, he was set ex-parte on 05.07.2023 and it is only when the matter was posted for ex-parte enquiry on 07.08.2023 that the order is sought to be set aside.

5. A mere perusal of this conduct of the petitioner would clearly indicate that he has not been prosecuting the proceedings diligently and it appears that he is only trying to protract the proceedings and ensure that the property is not handed over back to the landlord. The learned Principal



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District Munsif, Alandur has rightly rejected the application and I see no reason to interfere with the said order. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.04.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,

The Rent Controller, Principal District Munsif at Alandur.



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P.T.ASHA, J.,

srn

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