



C.R.P.(PD)(MD).No.152 of 2025

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DATED: 26.02.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD).No.152 of 2025
and CMP(MD).No.1025 of 2025

P.Rathinasamy

...Petitioner/1st Respondent
/Respondent

-VS-

1.D.Nithiyanandhasekar

2.D.Shanthi

...Respondents/Petitioners
/Appellants

PRAYER: The Civil Revision Petition has been filed under Section 115 of C.P.C r/w Section 6(B) of Tamil Nadu Cultivating Tenants Protection Act, 1955, to set aside the order dated 10.12.2024 passed in I.A.No.60 of 2024 in Appeal No.2 of 2024 on the file of the Revenue Divisional Officer, Trichy and allow the present civil revision petition.

For Petitioner : Mr.V.Balaji

For Respondents : Mr.M.Thirunavukkarasu

ORDER

The revision petitioner has filed F.V.No.60 of 1990 before the Record of Tenancy Rights Court seeking to record himself as cultivating tenant. The said application was filed as against the respondents herein.



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2.The application was allowed on 01.08.2002 recording the revision petitioner as a cultivating tenant. Challenging the said order, the landlord namely the respondents herein have preferred an appeal before Revenue Divisional Officer, Tiruchirappalli on 27.08.2024.

3.Though the appeal was filed after 22 years, the appellate authority has chosen to number the appeal as Appeal No.2 of 2024 and has issued notice to the revision petitioner/tenant.

4.The tenant has filed a counter in the main appeal challenging the maintainability of the appeal on the ground that the appeal ought not to have been numbered when it is filed after a delay of 22 years. Immediately, the landlords have filed I.A.No.60 of 2024 to condone the delay citing certain reasons. This application has been allowed. Challenging the same, the present civil revision petition has been filed by the cultivating tenant.

5.According to the learned counsel for the revision petitioner though the appeal was adjourned to 07.01.2025, even before the said date, the condone delay application has been allowed without giving due opportunity to the tenant to file a counter. Therefore, the present revision petition has been filed.



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6.The learned counsel for the respondents/ landlords had pointed out that the delay has been explained and therefore, the appellate authority had chosen to condone the delay. A perusal of the records reveals that the appeal having been filed after 22 years, ought not to have been numbered at the first instance. Only after the delay is condoned, the appeal could be numbered. However, in the present case, the appeal has been numbered and thereafter, the condone delay application has been numbered and allowed without giving any opportunity to the revision petitioner/tenant to file his counter in the condone delay application.

7.In view of the above said deliberations, the order dated 10.12.2024 made in I.A.No.60 of 2024 in Appeal No.2 of 2024 on the file of the Revenue Division Officer, Tiruchirappalli is hereby set aside and the matter is remitted back to the file of the Revenue Divisional Officer, Tiruchirappalli. The petitioner shall file his counter in I.A.No.60 of 2024 on or before 20.03.2025. Thereafter, the Revenue Divisional Officer, Trichy shall pass orders on merits in the condone delay application. Based upon the outcome of the condone delay application, the appellant authority shall proceed with the appeal. The appellate authority is directed to dispose of the condone delay application on or before 21.04.2025.



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8. With the above said observations, this civil revision petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

26.02.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
msa

To

1. The Revenue Divisional Office, Trichy
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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