

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.Nos.1057 & 3223 of 2015

and

M.P.No.1 of 2015

C.R.P.No.1057/2015

G.Kanniappan

...Petitioner/Appellant/Petitioner/Landlord

Vs.

S.Jafar

...Respondent/Respondent/Respondent/Tenant

Prayer:

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act against the judgment and decree dated 20.11.2014 passed in R.C.A.No.235 of 2013 on the file of the VII Small Causes Court, Chennai, confirming the judgment and decree dated 10.01.2013 passed in R.C.O.P.No.203 of 2010 on the file of the X Small Causes Court, Chennai.

For Petitioner : Mr.R.Subramanian
for Mr.G.Jeremiah

For Respondent : Mr.A.S.Mujibur Rahman

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C.R.P.No.3223/2015

S.Jafar

...Petitioner/Appellant/Respondent/Tenant

Vs.

G.Kanniappan

...Respondent/Respondent/Petitioner/Landlord

Prayer:

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act against the order dated 06.01.2015 made in R.C.A.No.119 of 2013 on the file of the IX Small Causes Court, Chennai confirming the decree and judgment dated 31.01.2013 made in RCOP.No.1032 of 2010 on the file of the X Small Causes Court, Chennai.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondent : Mr.R.Subramanian
for Mr.G.Jeremiah

C O M M O N O R D E R

C.R.P.No.1057 of 2015 is filed by the landlord against the order dated 20.11.2014 made in R.C.A.No.235 of 2013 which relates to eviction.

2) C.R.P.No.3223 of 2015 is filed by the tenant questioning the order dated 06.01.2015 made in R.C.A.119 of 2013 which relates to the fixation of fair rent.

3) The parties are one and the same in both the proceedings.

4) Heard both sides.

5) It is not disputed by both the parties that the competent Court to try the RCOP cases is the District Munsif Court, Thiruvottiyur. In view of the said admitted fact, both the Civil Revision Petitions are allowed and the orders questioned therein are set aside.

6) Since it is agreed by both the parties that the Small Causes Court at Chennai has no jurisdiction to try the RCOP's, the R.C.O.P.Nos.203 and 1032 of 2010 have to be returned to the petitioner/landlord to present those cases before the District Munsif Court, Thiruvottiyur.

7) Thus, while allowing the Civil Revision Petitions, a direction is issued to the learned Rent Controller to return back the entire papers pertaining to the aforesaid R.C.O.P.Nos.203 and 1032 of 2010, within a period of eight weeks to the petitioner/landlord therein and the learned District Munsif, Thiruvottiyur is directed to conduct a de novo trial, if the landlord approaches the said Court. Connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1) The VII Small Causes Court,
Chennai
- 2) The IX Small Causes Court,
Chennai
- 3) The X Small Causes Court,
Chennai.
- 4) The District Munsif,
Tiruvottiyur.

1 CC to Mr.A.S.Mujibur Rahman, Advocate SR.No. 47898
+1 cc to M/s.G.Jeremiah, Advocate, sr.48167 (14/09/2015)

C.R.P.Nos.1057 & 3223 of 2015

SVI (CO)
PSI (09.09.2015)