

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

CRP (PD) No.1432 of 2015
and M.P.No.1 of 2015

1. S.G.Sekar @ S.Gnanasekaran
2. G.Satish Das
3. G.Sandeep Das

.. Petitioners

versus

Shanthabai

..Respondent

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed in M.P.No.61 of 2014 in R.C.O.P.No.1719 of 2012 on the file of the XII Small Causes Court,Chennai.

For Petitioners : Mr.B.Nedunchezhiyan

ORDER

Challenging the fair and final order passed in in M.P.No.61 of 2014 in R.C.O.P.No.1719 of 2012 on the file of the XII Judge, Small Causes Court, Chennai, the tenants have filed the above Civil Revision Petition.

2.The respondent/landlady filed R.C.O.P.No.1719 of 2012 for eviction on the ground of willful default and denial of title. The petitioners filed their counter and contesting the original petition on various grounds including denial of title of the respondent/landlady.

3. When the matter was taken up for trial, the tenants filed an

application in M.P.No.61 of 2014 to dismiss the R.C.O.P on the ground that there is no landlady tenant relationship between the respondent and the petitioners. The said application was contested by the respondent/landlady. The Rent Controller, after taking into consideration the case of both parties, dismissed the application stating that the issue raised by the tenants can be decided only after completion of the trial.

4. The finding of the Rent Controller is perfectly correct and whether the denial of title by the tenants is *bonafide* or not can be decided only after completion of the trial. It is needless to say that the Rent Controller shall decide the issue raised by the tenants in the application in M.P.No.61 of 2014 along with other issues in R.C.O.P.No.1719 of 2012. In these circumstances, I find no error or irregularity in the order passed by the Rent Controller.

The Civil Revision Petition is devoid of merits and hence the same is dismissed. No costs. Connected miscellaneous petition is also dismissed.

10.04.2015

rg

To

The XII Small Causes Court, Chennai.

M.DURAI SWAMY,J

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