

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.1838 of 2015 &

M.P. No.1 of 2015

N.Rajaraman

... Petitioner

v.

1.A.Antony Muthu
2.A.Antony Manohar
3.A.Immaculate Pushpa
4.A.John Brito
5.A.Carmel Reeta
5.A.John Raja

... Respondents

Civil Revision Petition filed under section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act against the judgment and decree dated 20.01.2015 in R.C.A.No.135 of 2013 on the file of VIIIth Small Causes Court (Rent control Appellate Authority) at Chennai confirming the order and decree made in M.P.No.95 of 2012 in R.C.O.P.No.1666 of 2011, dated 18.2.2013 on the file of Xth Small Causes Court.

For Petitioner : Mr.J.Arul Prakasam

For Respondents : Mr.K.J.Parthasarathy

ORDER

Challenging the order passed in R.C.A.No.135 of 2013 on the file of VIII Judge, Court of Small causes, (Rent control Appellate Authority), Chennai confirming the fair and decreetal order passed in M.P.No.95 of 2012 in R.C.O.P.No.1666 of 2011, on the file of Xth Judge, Court of Small causes, Chennai, the tenant has filed the above Civil Revision Petition.

2.The respondents-landlords filed the Original Petition in R.C.O.P.No.1666 of 2011 for fixation of fair rent. In the said Original Petition, the tenant filed an application in M.P.No.95 of 2012 under Rules 11 and 12 of the Tamil Nadu Buildings (Lease and Rent Control) Rules 1974 to stay all further proceedings in R.C.O.P.No.1666 of 2011 pending disposal of the suits in O.S.No.6617 of 2011 on the file of XVI Assistant Judge, City Civil Court, Chennai and O.S.No.6873 of 2011 on the file of XI Assistant Judge, City Civil Court, Chennai.

3. It is pertinent to note that O.S.No.6617 of 2011 has been filed by the respondents-landlords for interim injunction restraining the tenant from interfering with their construction. O.S.No.6873 of 2011 has been filed by the petitioner-tenant for interim injunction restraining the landlords from evicting him except under due process of law. The present Original Petition

in R.C.O.P.No.1666 of 2011 has been filed by the landlords under section 4 of the Tamil Nadu Buildings (Lease and Rent) Control act for fixation of fair rent.

4. When the issues involved in the Original Petition and in the suits are entirely different, there is no necessity for staying the Original Petition in R.C.O.P.No.1666 of 2011 pending disposal of the suits. The courts below have rightly dismissed the application filed by the tenant.

6. In these circumstances, I do not find any error or irregularity in the order passed by the Rent Control Appellate Authority. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

10.06.2015

Index : No
Internet : Yes

Rj

To

1.VIII Judge,
Small Causes Court (Rent control Appellate Authority),
Chennai .

2.Xth Judge,
Small Causes Court (Rent Control Authority)
Chennai

M. DURAISWAMY,J.,

Rj

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