

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2198 of 2015 &

M.P.No.1 of 2015

1.Lakshmi
2.Jairaj
3.Chandran
4.Dinakumar
5.Gomathi
6.Stalin
7.Anjalai
8.Mummurthy
9.Ranganayaki
11.Siva

... Petitioners

v.

Zarina Begum (deceased)

1.H.Mohamed Ameen
2.H.Mohamed Aleem
3.H.Mohamed Saleem
4.Mohamed Asif
5.S.Arifa Begum
(R1 to R5 impleaded as per order
dated 26.09.2012 in M.P.No.31/2012)

6.Immanuel
7.Ashok Kumar
8.Vasanthi
9.Prabhu
10.Rajamanickam
11.Dhanammal
12.Balasundaram

13.Vetriselvam
14.Pushpalatha
15.Shanmuganathan
16.Lakshmi
17.Elumalai
18.Masilamani
19.Pannerselvam
20.Kannan
21.Saroja
(R21 impleaded as per order in M.P.548/08
dated 14.07.09)

22.Mary
23.Jaiseeli
24.Dhandapani
25.Bhaskar
(R22 to 25 impleaded as per order dated
30.08.2010 in M.P.434/10)

26.Nageswari
27.Victoria alias Santha
28.Edwin alias Murugan
29.Charles alias Saravanan
(R26 to 29 impleaded as per order dated
25.07.2013 in M.P.72/2013)

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 09.06.2015 and consequently allow the stay Petition in M.P.No.382 of 2013 in R.C.A. SR.No.8807 of 2015 on the file of the learned VII Judge, Small Causes Court, Chennai.

For Petitioners : Mr.P.V.Balasubramaniam

For Respondents : Mr. P.Ashok – for R1 to R5
Given up – R6 to R29

ORDER

Challenging the order of eviction granted in R.C.O.P.No.1517 of 2007 on the file of XI Judge, Court of Small Causes, Chennai, the tenants have filed the appeal in RCA SR.No.8807 of 2015 to condone the delay in filing the appeal. Along with the appeal, the tenants also filed a petition in M.P.No.382 of 2013 to stay the order of eviction granted in R.C.O.P.No.1517 of 2007. The Rent Control Appellate Authority viz., VII Judge, Court of Small causes Chennai dismissed the said petition. Aggrieved over the same, the tenants have filed the above Civil Revision Petition.

2. When the matter is taken up for hearing, learned counsel appearing for the respondents 1 to 5/landlords submitted that the respondents 1 to 5 have no objection for allowing the Civil Revision Petition and the Rent Control Appellate Authority may be directed to number the appeal and dispose of the appeal within a stipulated time.

3. Having regard to the submission made by the learned counsel on either side, the fair and decreetal order passed in the petition in M.P.No.382 of 2013 in RCA SR.No.8807 of 2015 on the file of VII Judge, Court of Small Causes, Chennai are set aside. The petition in M.P.No.382 of 2013 in RCA

SR.No.8807 of 2015 stands allowed. The Rent Control Appellate Authority viz., VII Judge, Court of Small Causes, Chennai is directed to number the appeal in RCA SR.No.8807 of 2015 and dispose of the same on merits and in accordance with law, after giving opportunity to both sides, within a period of six months from the date of receipt of a copy of this order.

With these observations, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

16.07.2015

Index : No
Internet : Yes

Rj

To

The VII Judge,
Small Causes Court,
Chennai.

M. DURAISWAMY,J.,

Rj

C.R.P.(NPD)No.2198 of 2015

16.07.2015