



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .No.490 of 2015 (NPD)

WEB COPY

Panchavarnam(died)

1.Dhanushkodi

2.Kamaraj

3.Jeyapandi

... Revision Petitioners/Appellants/
Petitioners/Respondents

vs.

1.T.S.Mothilal

Dharmam Seetharamier Arakkattalai

Trustee and Treasurer,

No.76, Khanpalayam 4th Street,

Madurai-625 009.

... 1st Respondent/Respondent/Respondent/
Petitioner

2.T.N.Balan @ Surendran

3.Soli S.S.Thulasiram

... 2&3 Respondents/Respondents/Proposed
Parties/Proposed Respondents 5 & 6

PRAYER: This Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act No.18 of 1960 as Amended by Act No.23 of 1973 and Act No.1 of 1980, to set aside the order dated 03.12.2014 passed in R.C.A.No.75 of 2006 on the file of the Principal Subordinate Judge (Appellate Authority) Madurai confirming the order dated 30.08.2006 passed in I.A.No.78 of 2006 in R.C.O.P.No.349 of 1995 on the file of the Additional District Munsif (Rent Controller) Madurai Town, by allowing this civil revision petition.

For Petitioners : Mr.S.Subbiah

O R D E R

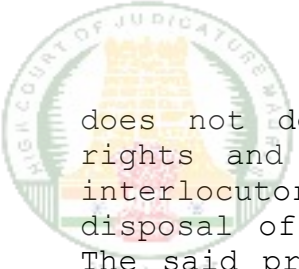
The tenant has filed the above revision challenging the order passed in R.C.A.No.75 of 2006 dismissing an application in I.A.No.78 of 2006 filed under Order 1 Rule 10(1) of C.P.C in R.C.O.P.No.349 of 1995 on the file of the District Munsif Court, Madurai.

2.The landlord has filed the main petition for fixation of fair rent in respect of petition mentioned property. According to the petitioners, they are depositing the monthly rent in the bank regularly. The landlord/respondent is a public Charity and as such the petitioner cannot invoke the jurisdiction of Rent Controller for any purpose. The tenant wants to implead two more trustees, who were omitted in the proceedings. The said application was dismissed by the Rent Controller and also confirmed by the order of the Appellate Authority. The very I.A is filed, when the examination of P.W.1 was in progress.

3.The only question that has to be decided is whether such appeal is maintainable.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The order challenged is only an Interlocutory application, which



does not decide the rights and liabilities of the parties. When the rights and liabilities of the parties are not decided in any of the interlocutory application or the order brings about an expeditious disposal of the case, no appeal much less the revision is maintainable. The said principle has been reiterated in many of the judgments of this Court.

5. In view of the above, the order passed in I.A.No.78 of 2006 cannot be construed as a final order. Hence, this revision is not maintainable and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge,
(Appellate Authority)
Madurai.

2. The Additional District Munsif,
(rent Controller),
Madurai.

+1cc to Mr.S.Subbiah, Advocate in SR.No.12023

sm:06.04.2015:2P/4C

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