

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.03.2016

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THE HONOURABLE DR. JUSTICE. **S.VIMALA**

CRP (NPD)No.4117 of 2015

Mr.S.Veeraraghavan ... Petitioner

. **.Vs..**

Mr.Palanisamy ... Respondent

Prayer:- Revision Petition is filed under Article 227 of the Constitution of India, to direct the Small Causes Court to fix an early date for dispose the memo in SR.No.18630 of 2015 in RCA. No.123 of 2015 pending on the file of IX Small Causes Court, Chennai.

For Petitioners : Mr.T.Jayaramarai
For Respondents : No appearance

ORDER

This Civil Revision Petition has been filed seeking direction to the Small Causes Court to fix an early date to dispose the Memo filed in SR.No.18630 of 2015 filed in RCA.No.123 of 2015.

2. The petitioner/landlord filed a petition in R.C.O.P.No.954 of 2012 for fixation of Fair Rent and that petition has been decreed by fixing the monthly rent at Rs.33,067/- payable from the date of petition i.e. from 06.06.2012. Challenging the same, R.C.A.No.123 of 2015 has been filed by the respondent/tenant. Pending R.C.A., the landlord has filed an application for advancing the hearing. Under such circumstances, the bundle is said to be missing and that made the counsel for the landlord seeking the relief of reconstruction of the bundle. Since no orders have been passed by the Rent Control Appellate Authority, the present revision petition is filed.

3. The learned counsel for the revision petitioner submitted that as the arrears of rent to be payable exceeds six lakhs, the landlord has an apprehension that the bundle should have been deliberately misplaced.

3.1. This contention cannot be lightly brushed aside since there is no scope for missing of the bundle, when the case is posted continuously for hearing. There is also no difficulty in reconstructing the bundle, as it is seen that the only document missing is Memorandum of grounds of appeal, and the same is filed in the typed set of papers in page Nos.21 to 25. It is also stated that this Memorandum of grounds has already been served on the other side.

4. Hence, the Rent Control Appellate Authority is directed to reconstruct the bundle by taking Memorandum of grounds which is forwarded along with the copy of this order and dispose of the Memo filed in SR.No.18630 of 2015 in RCA.No.123 of 2015, within a period of two weeks from the date of receipt of a copy of this order.

This Civil Revision Petition is ordered accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

15.03.2016

Index : Yes/No
Internet: Yes/No
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To

The IX Small Causes Court, Chennai.

S.VIMALA.J

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