

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

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THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)Nos.4633 and 4634 of 2015

and M.P.Nos.1 of 2015

Mohanlal Ranka
Lalith Kumar

... Petitioner in CRP No.4633/15
... Petitioner in CRP No.4644/15

..VS..

1. T.S.Sundaresa Davey
2. S.Ramath Davey
3. S.Vidyashankar Davey

... Respondents

Civil Revision Petitions filed under Section 25 of the Tamil Nadu Building Lease and Rent Control Act r/w Section 115 of the Code of Civil Procedure against the orders dated 17.11.2015 made in M.P.Nos.239 and 240 of 2015 in R.C.A.Nos.578 and 579 of 2015 on the file of the IX Small Causes Court, Chennai.

For Petitioners : Mr.G.Jeremiah
For respondents : Mr.T.Paranthaman

ORDER

Challenging the orders dated 17.11.2015 passed in M.P.Nos.239 and 240 of 2015 in R.C.A.Nos.578 and 579 of 2015 on the file of the IX Judge, Court of Small Causes, Chennai, the tenants have filed the above Civil Revision Petitions.

2. The respondents/landlords filed R.C.O.P.Nos.504 of 2012 and 506 of 2012 for eviction on the ground of demolition and reconstruction. After contest, the Rent Controller, ordered eviction, against which, the respective petitioners/tenants preferred appeals in R.C.A.Nos.578 and 579 of 2015. In the appeals, the petitioners/tenants filed M.P.Nos.239 and 240 of 2015, seeking for stay of the orders of eviction passed by the Rent Controller. The Rent Control Appellate Authority, dismissed the said petitions, against which, the petitioners/tenants have filed the above Civil Revision Petitions.

3. Heard Mr.G.Jeremiah, learned counsel for the petitioners and Mr.T.Paranthaman, learned counsel for the respondents.

4. When the matters are taken up for hearing, the learned counsel for the respondents/landlords submitted that he has no objection for allowing the Civil Revision Petitions and the orders of eviction passed by the Rent Controller may be stayed till the disposal of the appeals in R.C.A.Nos.578 and 579 of 2015. The learned counsel for the respondents/landlords further submitted that a time limit may be fixed for the disposal of the appeals.

5. Mr.G.Jeremiah, learned counsel for the petitioners/tenants submitted that six months' time may be granted for the disposal of the appeals for the reason that the petitioners/tenants are going to file an application before the Chief Judge, Court of Small Causes, Chennai, for transfer of the connected Rent Control Appeals pending on the file of the VII Judge, Court of Small Causes, Chennai, to be tagged along with the present appeals.

6. Having regard to the submissions made by the learned counsel on either side, the orders dated 17.11.2015 passed in M.P.Nos.239 and 240 of 2015 in R.C.A.Nos.578 and 579 of 2015 are set aside. The petitions in M.P.Nos.239 and 240 of 2015 stand allowed. There shall be an order of interim stay as prayed for in M.P.Nos.239 and 240 of 2015 till the disposal of the appeals in R.C.A.Nos.578 and 579 of 2015. The Rent Control Appellate Authority, is directed to dispose of the appeals in R.C.A.Nos.578 and 579 of 2015, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

With these observations, both the Civil Revision Petitions are allowed. No costs. Connected miscellaneous petitions are closed.

22.09.2016

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M. DURAISWAMY,J.,

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To
The IX Small Causes Court, Chennai.

C.R.P.(NPD)Nos.4633 and 4634 of 2015

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