

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) Nos.1270 & 1271 of 2016

C.Soundari Balaraman ... Petitioner in CRP.No.1270/2016

Chandrammal ... Petitioner in CRP.No.1271/2016

VS

Ayanpuram Vanniyakula
Kshathriyar Sangam
Rep., by its President
Mr.G.Venkatesan
Old.No.125, New No.224
Ayanavaram
Chennai-600 023

... Respondent in both cases

Civil Revision Petitions filed under Article 227 of the Constitution of India against the orders of learned VI Assistant City Civil Judge, Chennai, passed in I.A.Nos.11225 of 2015 in O.S.No.7381 of 2012 and I.A.No.11226 of 2015 in O.S.No.19 of 2013 on 11.01.2016.

For Petitioners : Mr.P.Mani

For Respondent : Mr.P.B.Balaji

COMMON ORDER

These revisions challenge the orders of learned VI Assistant City Civil Judge, Chennai, passed in Additional Special Judge, Krishnagiri, passed in

I.A.Nos.11225 of 2015 in O.S.No.7381 of 2012 and I.A.No.11226 of 2015 in O.S.No.19 of 2013 on 11.01.2016.

2. Heard learned counsel for petitioners.

3. The respondent has moved O.S.Nos.7381 of 2012 and 19 of 2013 towards evicting its tenants. I.A.Nos.11225 of 2015 and 11226 of 2015 have been moved by petitioners/defendants on the premise that the respondent as a Sangam does not answer the description of a charitable trust and as such would not be entitled to the exemption provided under Section 29 of the Tamilnadu Buildings (Lease and Rent Control) Act and would only have to move a petition before the Rent Controller in keeping with such Act.

4. Petitioners/defendants have moved I.A.No.11225 of 2015 in O.S.No.7381 of 2012 and I.A.No.11226 of 2015 in O.S.No.19 of 2013 towards decision of the maintainability of the suit. Against the dismissal of such applications, the petitioners/defendants have moved the present revisions.

5. Learned counsel for petitioners submits that in dismissing I.A.Nos.11225 of 2015 and 11226 of 2015, the Court below has held that the suits are maintainable. Learned counsel submits that such a decision could not

have been arrived at by the Court below.

6. This Court is of the view that no error stands committed by the Court below. Of course, it would be for the respondent/plaintiff to establish that they are entitled to benefit of Section 29 of the Tamilnadu Buildings (Lease and Rent Control) Act which provides for exemption from applicability of such Act. Such a position the respondent/plaintiff would be able to establish only when the suit is tried and negation of the suit at the initial stage would amount to shutting out the right of the respondent/plaintiff to establish their case.

Accordingly, these Civil Revision petitions are dismissed. No Costs.
Connected miscellaneous petitions are closed.

13.06.2016

Index:yes/no

Internet:yes

To

The VI Assistant City Civil Judge, Chennai,

C.T.SELVAM, J

kpr

Civil Revision Petition (PD) Nos.1270 & 1271 of 2016

13.06.2016