

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE C.T. SELVAM

C.R.P.(PD)No. 2140 of 2016

S.Kalirajan

... Petitioner/Petitioner/Petitioner

Vs.

Mrs.Chinnaponnu

... Respondent/Respondent/
Respondent

Civil Revision Petition filed under Article 227 of Constitution of India, against the order of the trial Court dated 25.01.2016 made in M.P.S.R.No. 28416 of 2015 in R.C.O.P.No. 1462 of 2015 on the file of X Small Causes Court, Chennai.

For Petitioner : Mr.R.Priyakumar

ORDER

Petitioner challenges the order of X Small Causes Court, Chennai, passed in M.P.S.R.No. 28416 of 2015 in R.C.O.P.No.1462 of 2015 on 25.01.2016,

wherein the following order has been passed:-

“Placed before me today. Heard. Records perused.

This petition has been filed by the petitioner/LL to order notice to respondent by substituted service by LKR. How has not sought for PP & CNB.

Learned counsel for petitioner represented that the paper publication is not a mode of service provided under Section 22(d) of TNB (LKR) Rules. Therefore, he sought for a SS by way of affixture in LKR. Learned counsel for petitioner relied the Judgement reported in 1999 II MLJ 165 to strength his claim.

On perusal of above judgment it reveals that our Hon'ble High Court held that paper publication is not one mode provided U/R 22.

However as on addl. Measure of caution as well as for effecting due substituted service on the respondent this Court order paper publication. Further even our Hon'ble High Court in the reported decision has not specifically stated that the paper publication is not at all required. Hence, this Court inclined to order paper publication also as a mode of substituted service. In the result the petition is allowed and directing the petitioner to effect substituted service by way of affixture in CNB & LKR as well as paper publication in one issue of Makkal Kural ordered for hearing dated 15.02.2016. Publication to be effected on or before 08.02.2016.”

2. Heard learned counsel for petitioner.

3. The decision of this Court in *Thangamani v. Krishnan* [AIR 1999 (2) 165] informs that notice by publication is not one of the modes of service prescribed under Tamil Nadu Buildings (Lease and Rent Control) Rules and resort thereto would not amount to proper service. Given such position, the order of the Court below requiring service also through paper publication serves no purpose and hence, is interfered with to such limited extent.

4. The order of X Small Causes Court, Chennai, passed in M.P.S.R.No. 28416 of 2015 in R.C.O.P.No. 1462 of 2015 dated 25.01.2016, shall stand set aside insofar as it directs paper publication. For the rest, it shall hold good.

The Civil Revision Petition is disposed of. No costs.

01.08.2016

Index: Yes/No
Internet: Yes/No
vsg/gm

To
The X Small Causes Judge,
Chennai.

C.T. SELVAM, J

vsg/gm

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