

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2016

CORAM

The Hon'ble Mr.Justice K.K.Sasidharan

C.R.P.(PD)No.2352 of 2016

and

C.M.P.No.1 of 2012

Mr..G.Sathish Bhatia

...Petitioner

Vs.

Mr.N.S.Gnaneswaran

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decree, dated 18.03.2016, passed by the learned Rent Controller of XI Small Causes Court, Chennai, in M.P.No.380 of 2015, in R.C.O.P.No.681 of 2015, on the file of the XV Small Causes Court, Chennai.

For Petitioner : Mr.R.Chandrasudan

For Respondent : Mr.N.A.Nizzar Ahamed

ORDER

The petitioner filed an Application before the learned Rent Controller to implead him as a party to the Rent Control Original Petition, on the ground that he is in possession of the schedule premises.

2. The learned Rent Controller was of the view that the lease was not given to the petitioner, and as such, he is not a necessary party. The Impleading Petition was, therefore, dismissed. The said Order is under challenge in this Civil Revision Petition.

3. The learned counsel appearing on behalf of the petitioner submitted that the petitioner produced voluminous documents before the learned Rent Controller to show that he has been in possession and enjoyment of the property. In spite of those documents, the learned Rent Controller passed an order, dismissing the Application.

4. The learned counsel for the respondent justified the order passed by the learned Rent Controller. According to the learned counsel,

there is no privity of contract between the landlord and the petitioner, and as such, the learned Rent Controller was incorrect in dismissing the Impleading Petition.

5. The petitioner made a claim that he is doing the business by occupying the schedule premises. The petitioner produced certain documents to substantiate his contentions. The learned Rent Controller was of the view that there was no lease in favour of the petitioner, and as such, there is no question of impleading him as party to the Rent Control Proceedings.

6. The learned Rent Controller appears to have not considered the definition of the term 'Tenant', as provided under Section 8, sub-clause (ii) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

7. The petitioner produced *prima facie* materials before the learned Rent Controller, indicating that he has been continuing the business along with the original tenant. Those materials are sufficient to implead the petitioner in the Rent Control Original Proceedings. I am, therefore, of the

view that the learned Rent Controller was not correct in dismissing the Petition.

8. The order, dated 18.03.2016, is set aside. The Petition in M.P.No.380 of 2015, is allowed. However, I make it clear that this Order, impleading the petitioner shall not be construed as an admission that the petitioner is a tenant and he is entitled to the benefits of Tamil Nadu Buildings (Lease and Rent Control) Act. In short, it is for the learned Rent Controller to adjudicate the issue based on the materials available on record.

9. The Civil Revision Petition is allowed with the above observation. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

24.11.2016

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Index : Yes/No

Internet ; Yes/No

To

The Rent Controller

XI Small Causes Court, Chennai,

K.K.Sasidharan,J.,

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24.11.2016