

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.No.1072 of 2017 &

C.M.P.No.5144 of 2017

1.M/s.IBAR Technology,
Rep by its Managing Director,
C.Bernard

2.C.Bernard

3.E.Sathish Kumar

4.Patrick Mathew

... Petitioners

v.

1.Vijaydaswani
2.Gita Daswani
3.Chandrakant Daswani

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 15.02.2017 in MPSR No.8115 of 2017 in R.C.O.P.No.60 of 2010 on the file of XIV Court of Small Causes, Chennai.

For Petitioner : Mr.N.A.Nissar Ahmed

ORDER

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Challenging the order passed in M.P.S.R.No.8115 of 2017 in R.C.O.P.No.60 of 2010, on the file of XIV Court of Small Causes, Chennai, the respondents, who are the tenants in RCOP No.60 of 2010, have filed the above Civil Revision Petition.

2. The Rent Control Original Petition in R.C.O.P.No.60 of 2010 was filed by the respondents-landlords for eviction on the ground of willful default. The tenants filed their counter and are contesting the Original Petition.

3. When the Original Petition was taken up for trial and after the completion of evidence on the side of the landlords, the tenants filed an unnumbered petition in M.P.S.R.No.8115 of 2017 to reject the Rent Control Original Petition as not maintainable in view of the implied contract of lease marked by the landlord as Exs.A8 to A12.

4. Since the Rent Control Original Petition is in the part-heard stage, I am of the view that the Rent Controller has rightly rejected the

petition. The issue raised by the tenants can be considered by the Rent Controller while deciding the Rent Control Original Petition.

5. In these circumstances, I do not find any error or irregularity in the order passed by the Rent Controller. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.03.2017

Index : Yes/No

Rj

To

The XIV Judge,
Court of Small Causes
Chennai.

M. DURAISWAMY,J.,

Rj

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