

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P. (NPD) No.2881 of 2017

and

C.M.P No.13593 of 2017

S. Selva Pandian

.. Petitioner

Vs

1. F. Jawahar

2. The Commissioner
Corporation of Chennai
Rippon Buildings
EVR Periyar High Road
Chennai - 3

.. Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the order dated 30.06.2017 made in CMP No.629 of 2015 in A.S. No. 332 of 2013 on the file of VI Additional City Civil Court, Chennai.

For Petitioner

: Mr. M. Saravanakumar

ORDER

The present revision petition is filed to set aside the order dated 30.06.2017 made in CMP No.629 of 2015 in A.S. No. 332 of 2013 on the file of VI Additional City Civil Court, Chennai.

2. The learned counsel for the petitioner would submit that the first respondent herein has filed the suit seeking for declaration of superstructure over the property owned by the Tamil Nadu Slum Clearance Board. The suit was allowed. Aggrieved by the same, the petitioner has filed an appeal against the order passed in O.S. No.13676/2010 dated 31.07.2013. The petitioner also filed a petition in C.M.P. No.629 of 2013 to issue supoena to call for the file No.1827/83/A5 Division No.6 of the Estate Officer No.212, Tamil Nadu Slum Clearance Board, R.K. Mutt Road, Chennai - 28. The court below has dismissed the petition. Challenging the said order, the petitioner has filed this revision.

3. The aforesaid petition has been filed at the stage of appeal suit. The petitioner has not taken any steps to file an application before the Rent Control Authority. Therefore, filing of the present petition cannot be entertained at the stage of Appeal suit.

4. Therefore, the Civil Revision Petition is dismissed. If at all the petitioner is aggrieved, it is open to the petitioner to file necessary documents or evidence before the court below, if permissible under law. Consequently, the connected Miscellaneous Petition is closed. No costs.

15.12.2017

Index : Yes/ No

avr

To

The VI Additional City Civil Court,
Chennai.

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D. KRISHNAKUMAR J.,

avr



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