

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

CRP.(NPD)No.3050 of 2017
and CMP No.14317 of 2017

M.Prawin

... Petitioner

vs.

Srichand K. Bajaj

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decree dated 17.10.2016 passed in E.A. No. 137 of 2015 in E.P. No. 390 of 2014 in RCOP No. 1304 of 2013 on the file of XV Small Causes Court, Chennai.

For Petitioner : Mr. B.Janakiram

ORDER

This Civil Revision Petition is directed against the disposal of the petition for re-delivery of the petition premises. The petitioner would submit that no notice was served on him, in the entire Rent Control Proceedings as well as execution proceedings. Since the respondent has taken over the possession of the shop premises let out

without serving notice, the petitioner claims that order is nullity and premises should be re-delivered to him by setting aside all the earlier proceedings.

2. On a perusal of the records, it is seen that notice was sent to the petitioners and it was taken on lease by the petitioner. An *ex parte* decree was passed and thereafter, Execution Application was filed, in which notice was also served to the petitioner.

3. In the meanwhile, the petitioner has also filed R.C.O.P for restoration of amenities. Even after the order passed by the Rent Controller, the petition to restore the amenities the same was not complied with, ultimately, the petition was also dismissed for default on 21.11.2014. Thereafter, the petitioner has not taken steps and now came before this Court for re-delivery of the possession. The possession admittedly was taken on 13.01.2015 and the petitioner is also aware of the delivery of the possession made by the bailiff. The petitioner has not chosen to file any appeal against decree passed by the Rent Controller nor resisted the execution of the decree, but filed the Execution Application for re-delivery of the possession. There is no legal infirmity in proceedings of the Rent Controller as well as the Execution Court as the notice was properly served and the delivery of

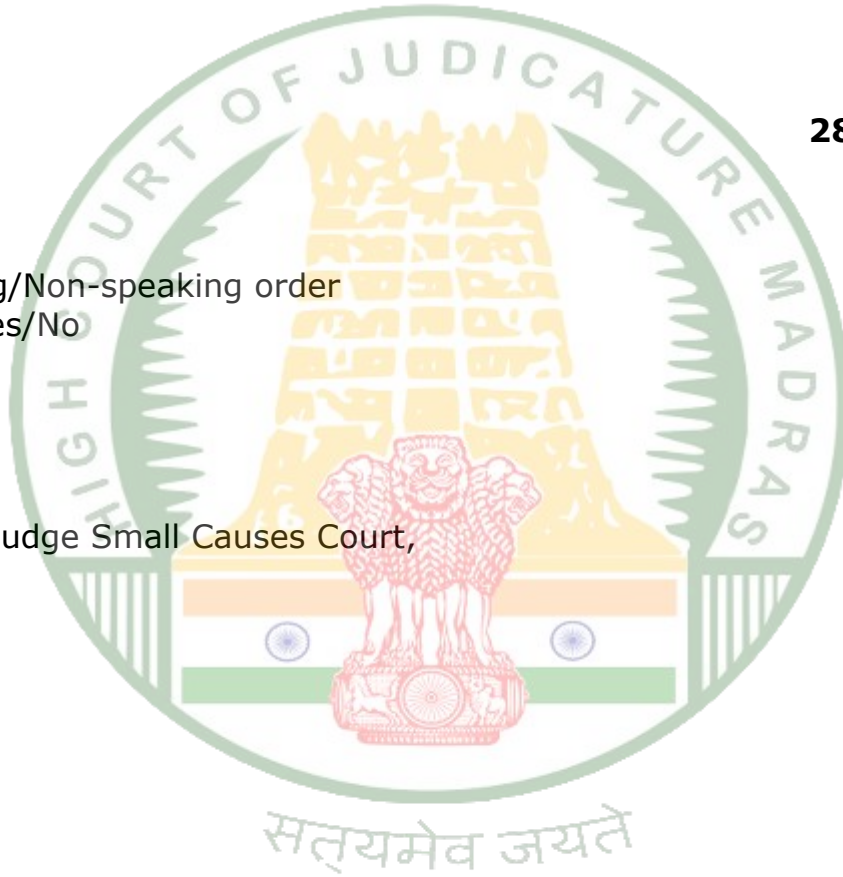
the possession was effected in favour of the landlord by the bailiff. Hence there is no legal infirmity in the impugned order. Accordingly Civil Revision Petition is not sustainable. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.08.2017

Speaking/Non-speaking order
Index:Yes/No
bsm

To

The XV Judge Small Causes Court,
Chennai.



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M.GOVINDARAJ.,J.

bsm



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