

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.PD.No.3702 of 2017

S.Vijayakumar

..Petitioner

Vs.

Santhakumari

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decretal order in R.C.O.P.SR No.26181 of 2017 on the file of X Small Causes Court at Chennai dated 30.06.2017.

For Petitioner : C.Venkatesan

ORDER

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According to the petitioner, the petitioner herein has filed an RCOP under Section 10 (2) (1) & 14 (1) (b) of the Tamil Nadu Building (Lease and Rent Control) Act, 1961. The court below / Rent

Control Authority has rejected the same on the ground that the said application is not maintainable in view of the order passed in RCOP.No.1704 of 2015. According to the petitioner, the petitioner has filed the application under Section 10 (2) (1) read with 14(1) (b) of the Tamil Nadu Building (Lease and Rent Control) Act, 1961 for wilful default against the respondent herein. The learned counsel for the petitioner admitted that the petitioner has filed the RCOP No.1704 of 2015 and the same was dismissed by the Rent Control Authority on the ground that there is no landlord-tenant relationship between the petitioner herein and the respondent. Challenging the aforesaid order passed in RCOP.No.1704 of 2015, the petitioner has filed an appeal in RCA.No.609 of 2016 before the VIII Small Causes Court, Chennai and the same is pending. Therefore, the rejection of the said application is liable to be set aside.

2. The petitioner has filed an appeal in RCA.No.609 of 2016 in the above RCOP and the same is pending. If the petitioner succeeds in the aforesaid appeal, the petitioner has the right to file application. Prima facie case is not made out in favour of the petitioner for entertaining the Civil Revision Petition for wilful default. At this stage, in view of the findings of the court below in RCOP.No.1704 of 2015, this Court is not inclined to entertain the Civil

Revision Petition. However, it is open to the petitioner to work out his remedy under the provisions of the Act.

3. The Civil Revision Petition fails and accordingly, the Civil Revision Petition is dismissed. No costs.

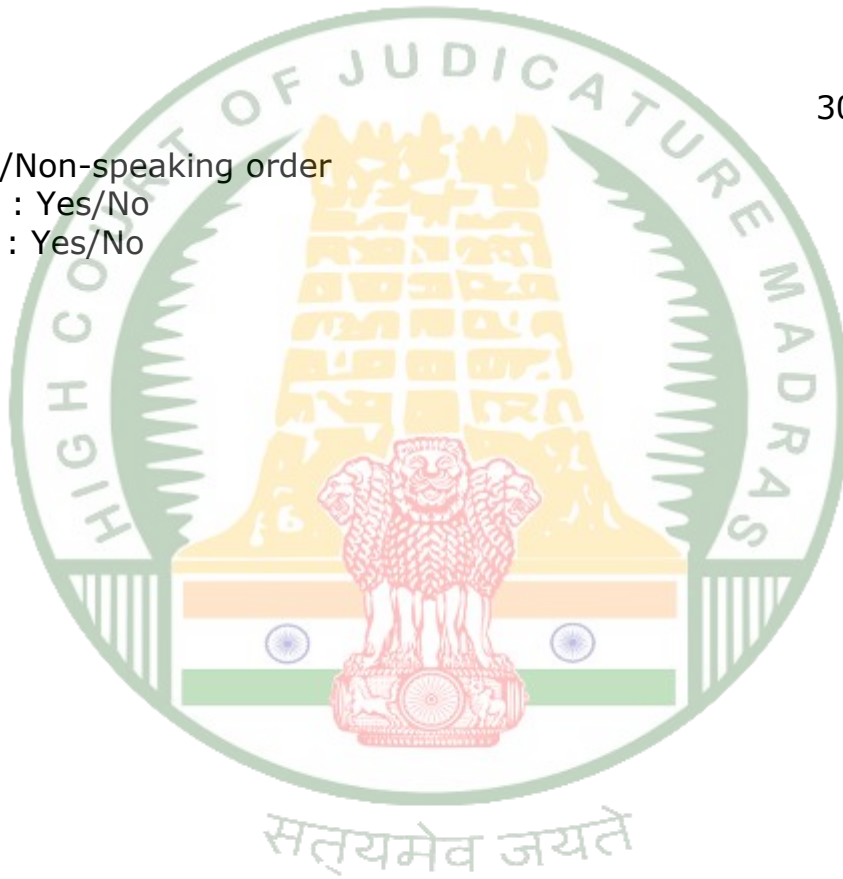
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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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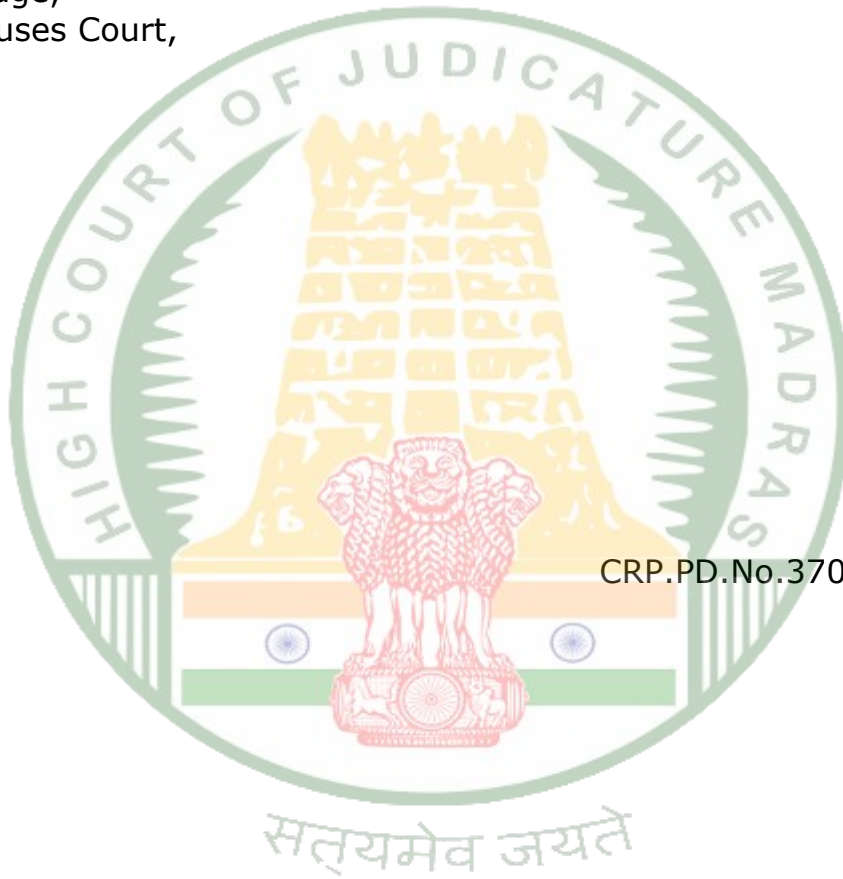
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D.KRISHNAKUMAR. J,

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To

The X Judge,
Small Causes Court,
Chennai.



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