

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(NPD) No.4759 of 2017
and
C.M.P.No.22399 of 2017

1.Mrs.Grace Vanitha
2.Mr.Sathiyanesan

.. Petitioners

Vs

Venda Amirthammal

.. Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to issue a suitable direction to set aside the order passed by the learned District Munsif Court at Arakkonam in Un-Numbered G.No.2573 of 2017 in E.P.No.16 of 2014, dated 10.11.2017 and thereby direct the Court below to number the application and pass order on merits in accordance with law.

For Petitioners :P.Vasanth

For Respondent :G.Jeremiah

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ORDER

This Civil Revision Petition is filed to set aside the order passed by the learned District Munsif Court at Arakkonam in Un-Numbered G.No.2573 of 2017 in E.P.No.16 of 2014, dated 10.11.2017 and thereby direct the Court below to number the application and pass order on merits in accordance with law.

2. The learned counsel for the revision petitioners would submit that the Court below has passed an order in Un-Numbered G.No.2573 of 2017 in E.P.No.16 of 2014, which is liable to be set aside.

3. The learned counsel for the respondent would submit that the Court below has considered the facts and rejected the application as not maintainable.

4. This Court in the case of **G.V.Vanitha Vs. K.Dhanasekaran** reported in **2016 (5) CTC 329 in the case of** has held as follows:

“Paragraph 14: The order of the Rent Controller is liable to be set aside only on the ground that the Application was not numbered and opportunity was not given to the parties to put forth their case. In these circumstances, the Order passed by the Rent Control Appellate Authority remanding the matter for numbering the Application and giving opportunity to

both the parties is just and proper. I do not find any reason to interfere with the order passed by the Rent Control Appellate Authority. The Civil Revision Petition is liable to be dismissed and the same is dismissed. Since, the matter is pending for more than twenty five years, I direct the Rent Controller/District Munsif, Alandur to number the Application in EASR.No.9486/2012 in EP.No.36 of 2002 in R.C.O.P.No.30/1997 and pass orders after giving opportunities to both sides within a period of two months from the date of receipt of a copy of this Order. No costs. Consequently, connected Mps are closed.”

5. In the light of the above decision cited supra, the order passed by the Court below in the Un-Numbered G.No.2573 of 2017 in E.P.No.16 of 2014 is liable to be set aside.

6. Therefore, this Court is inclined to pass the following order:

i. The order dated 10.11.2017 passed in Un-numbered G.No.2573 of 2017 in E.P.No.16 of 2014 is set aside and the matter is remanded to the Court below to decide afresh the Un-numbered G.No.2573 of 2017 in E.P.No.16 of 2014.

ii. If it is in order, the Court below is directed to

number the application in G.No.2573 of 2017 in E.P.No.16 of 2014, subject to maintainability and pass orders after providing opportunity to the parties concerned in accordance with law, preferably within a period of 12 weeks from the date of receipt of a copy of this order.

7. The Civil Revision Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

Index: Yes/ No
Internet: Yes/No
Speaking Order/Non Speaking Order
RKP

To

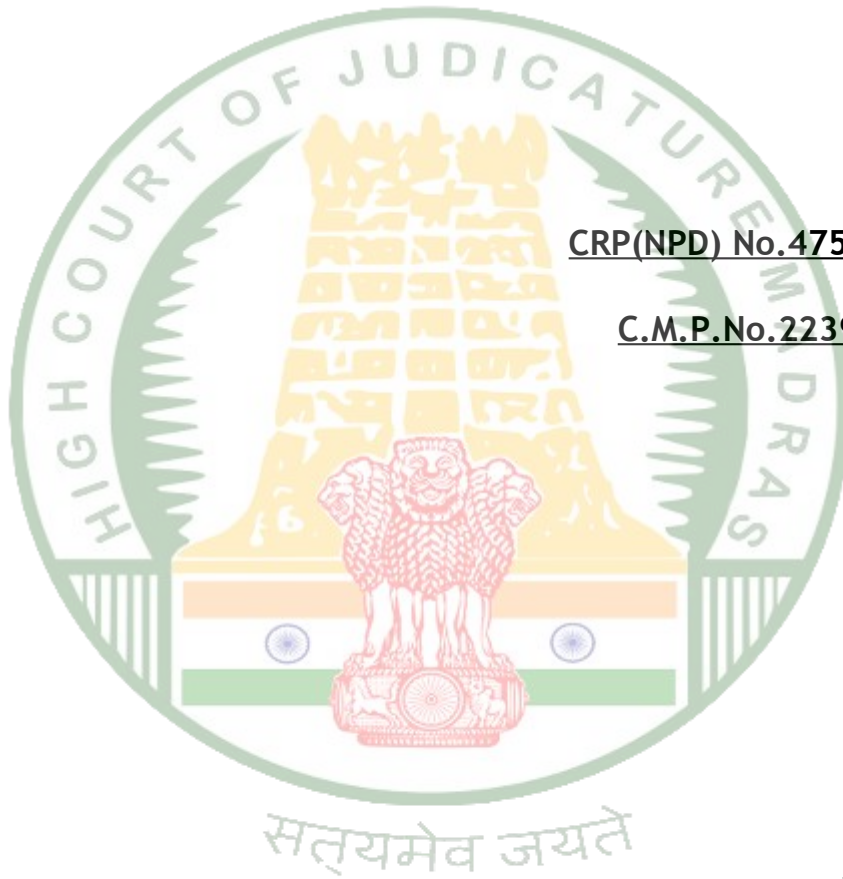
The District Munsif,
Arakkonam.

22.12.2017

सत्यमेव जयते
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D. KRISHNAKUMAR J.,

RKP



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