

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

Civil Revision Petition (NPD) No.60 of 2017
and
CMP.No.338 of 2017

R.Mahalakshmi

...Petitioner

..Vs..

B.Sukumar

...Respondent

Prayer: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Building Lease and Rent Control Act, 1960 to set aside the order and decreetal order dated 25.10.2016 passed in RCA.No.04/2016 on the file of the IX Small Causes Court cum Rent Controller Appellate Authority at Chennai reversing the order and decreetal order passed in RCOP No.904/2014 dated 28.10.2015 on the file of the learned XVI Small Causes Court cum Rent Controller at Chennai and consequentially confirm the order and decreetal order in RCOP No.904/2014.

For Petitioner : Mr.R.N.Kothandaraman

For Respondent : No appearance

ORDER

This Civil Revision petition has been filed to set aside the order and decretal order dated 25.10.2016 passed in RCA.No.04/2016 on the file of the IX Small Causes Court cum Rent Controller Appellate Authority at Chennai reversing the order and decretal order passed in RCOP No.904/2014 dated 28.10.2015 on the file of the learned XVI Small Causes Court cum Rent Controller at Chennai and consequently, confirm the order and decretal order in RCOP No.904/2014.

2. Heard the learned counsel appearing for the petitioner and perused the materials placed on record.

3. The brief facts of the petitioners case is as follows:

According to the petitioner, the respondent herein filed a petition in RCA.No.4 of 2016 against the order passed by the XVI Small Causes Court at Chennai in RCOP.No.904 of 2014. The petitioner herein has not appeared before the Rent Control Appellate Court, hence the appeal was allowed by the IX Judge, IX Small Causes Court, Chennai on 25.10.2016 without hearing the petitioner herein. Thereafter, the petitioner filed an application to set aside the order passed by the IX Judge, IX Small Causes Court, Chennai and the said application is un-numbered and is pending before the Appellate Court. Hence,

the petitioner has filed the present Civil Revision Petition before this Court, challenging the very same order passed by the Appellate Court.

3. It is an admitted fact that the petitioner has filed an application to set aside the exparte order before the Appellate Court and the said application is in un-numbered stage and therefore the present Civil Revision Petition filed before this Court is a pre-matured one and not maintainable. Therefore, the Civil Revision Petition is dismissed. It is needless to say that the petitioner shall work out his remedy before the Appellate Court to number the said application, in the manner known to law. It is open to the Court below to number the said application, if it is in order. No Costs. Consequently, connected miscellaneous petition is closed.

22.03.2017

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Index : Yes / No

Internet : Yes / No

Note: Issue order copy on 04.04.2017

To

1. The IX Small Causes Court cum Rent Controller Appellate Authority,
Chennai.
2. The XVI Small Causes Court cum Rent Controller,
Chennai

D.KRISHNAKUMAR, J.,

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