

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

CRP(NPD)Nos.652 and 653 of 2017

Sri Jain Swetamber Terapanth Trust Board
Trust Rep. By its Managing Trustee,
Mr.Gokul Chand Bhandari,
No.34, Managappan Street, Sowcarpet,
Chennai – 600 079 .. Petitioner in both the CRPs

Vs.

Dinesh Jain .. Respondent in CRP.No.652 of
2017
Mahaveer Jain .. Respondent in CRP.No.653 of 2017

Prayer in CRP(NPD)No.652 of 2017: Civil Revision Petition filed under Article 227 of the Constitution of India, to order for early disposal of R.C.A.No.467 of 2015 on the file of the VII Small Causes Court, Chennai.

Prayer in CRP(NPD)No.653 of 2017: Civil Revision Petition filed under Article 227 of the Constitution of India, to order for early disposal of R.C.A.No.468 of 2015 on the file of the VII Small Causes Court, Chennai.

For Petitioner : Mr.M.Sunil Kumar

COMMON ORDER

Both the Civil Revision Petitions are filed by the landlord for early disposal of the R.C.A.Nos. 467 of 2015 and 468 of 2015, which are pending before the Rent Control Appellate Authority/VIIth Small Causes Court at Chennai.

2.The revision petitioner as Landlord filed two eviction petitions against respective respondent herein in R.C.O.P.No.781 of 2013 and 779 of 2013 before the Xth Court of Small Causes Court at Chennai on the ground of own use and occupation under section 10 (3) (B), of the Tamil Nadu Building (Lease and Rent Control) Act. The eviction petition filed by the revision petitioner was ordered by a separate Order and Decree dated 17.08.2015, by the Learned Rent Controller and time for eviction was granted by 2 months. As against the order of eviction, the respondent / tenant in respective civil revision petition filed separate appeal in R.C.A.Nos.467 of 2015 and 468 of 2015, before the Rent Control Appellate Authority / VIIth Small Causes Court at Chennai. He also states that both the Appeals are pending from 2015 onwards and hence he filed this Civil Revision Petition for early disposal of the above two RCAs.

3.I heard Mr.M.Sunil Kumar, learned counsel appearing for the revision petitioner in both the civil revision petition. The revision petitioner in both civil revision petitions is seeking for direction to dispose of R.C.A.Nos.467 of 2015 and 468 of 2015 at an early date and therefore, considering the limited relief sought for in this case, this civil revision petitions are disposed at the admission stage itself and no notice is necessary to the respondent herein, since no adverse order is passed against them in this civil revision petitions. In this Civil Revision Petition no prejudice will be caused to the respondent herein, if the same is consider by this Court.

4.According to the Civil Revision Petitioner, the petitioner herein is a religious public charitable trust which was formed for specific object and now the head of monk have consented for chaturmas at Chennai. Except the portion which is under the occupation of the respective respondent herein, the entire building is vacant. Because of the pendency of the above RCAs, the revision petitioner is not in a position to carry out the repair. Hence they have come up with the present Civil Revision Petitions seeking for early disposal of R.C.A.Nos. 467/15 and 468/15. This court by considering facts and circumstance of case, thought it fit to issue suitable direction to the

Learned Rent Control Appellate Authority to dispose of the above RCAs at the earliest.

5.Accordingly, this Civil Revision Petitions are allowed by directing the Learned Rent Control Appellate Authority /VIIth Small Causes Court at Chennai to dispose the R.C.A.Nos.467/15 and 468/15, within a period of three months from the date of receipt of this order. No costs.

24.02.2017

Internet:Yes/No.
Index:Yes/No.

vs

To

The VII Small Causes Court,
Chennai.

M.V.MURALIDARAN, J.

VS

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