

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(PD).Nos.708 & 709 of 2017
and C.M.P.Nos.3576 & 3577 of 2017

A.Mohandoss

... Petitioner in both C.R.Ps

Vs.

1.Manju Bai

2.P.Vikash Kumar

... Respondents in both C.R.Ps

Civil Revision Petitions filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act, 18 of 1960 against the order and decree of the Rent Control Appellate Authority, VII Judge, Court of Small Causes, Chennai dated 04.02.2017 made in R.C.A.SR.Nos.8516 & 8521 of 2016 rejecting the appeal filed challenging the fair and decreetal order of the Rent Controller, XIII Judge, Court of Small Causes, Chennai dated 17.03.2016 made in M.P.Nos.32 & 31 of 2016 in R.C.O.P.Nos.1318 & 1317 of 2015 as not maintainable.

For Petitioner in both C.R.Ps : Mr.B.K.Sreenivasan

For Respondents in both C.R.Ps : Mr.Saikrishna
for M/s.Sai Bharath and Ilan

COMMON ORDER

The above Civil Revision Petitions arise against the orders passed in R.C.A.SR.Nos.8516 & 8521 of 2016 on the file of the Rent Control Appellate Authority, VII Judge, Court of Small Causes, Chennai, confirming the orders

passed in M.P.Nos.32 & 31 of 2016 in R.C.O.P.Nos.1318 & 1317 of 2015 on the file of the Rent Controller, XIII Judge, Court of Small Causes, Chennai.

2.The petitioner is a tenant and the respondents are the landlords. The respondents filed R.C.O.P.Nos.1318 & 1317 of 2015 for eviction under Section 10(3)(a)(iii), 10(2)(i) and 10(2)(iii) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. The revision petitioner filed his counter and is contesting the Original Petitions. In the said R.C.O.Ps., the revision petitioner took out two applications in M.P.Nos.32 & 31 of 2016 in R.C.O.P.Nos.1318 & 1317 of 2015 to decide the point of maintainability of the R.C.O.Ps as preliminary issues. After contest, the Rent Controller dismissed the petitions. Aggrieved over the orders passed by the Rent Controller, the tenant preferred appeals in R.C.A.SR.No.8516 & 8521 of 2016 on the file of the VIII Judge, Court of Small Causes, Chennai.

3.It is not in dispute that the trial of the Original Petitions have already commenced before the Rent Controller. According to the tenant, since he is disputing the jural relationship of the landlords and tenant, the issues with regard to the maintainability of the R.C.O.Ps should be decided as preliminary issues. Now, that the Rent Controller had taken up the matter for trial and already the landlords have filed their proof affidavits, I

am of the view that all the issues raised by the petitioner/tenant can be decided by the Rent Controller, while deciding the R.C.O.Ps. In such view of the matter, I am not inclined to interfere with the orders passed by the Rent Control Appellate Authority.

4.In these circumstances, the Civil Revision Petitions are devoid of merits and the same are liable to be dismissed. Accordingly, the Civil Revision Petitions are dismissed.

5.Since the Rent Control Original Petitions are in the trial stage, I direct the Rent Controller, XIII Judge, Court of Small Causes, Chennai, to dispose of the R.C.O.Ps., on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : No
Internet : Yes
va

07.03.2017

M.DURAIWAMY,J.
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To

1.The Rent Control Appellate Authority,
VII Judge,
Court of Small Causes,
Chennai.

2.The Rent Controller,
XIII Judge,
Court of Small Causes,
Chennai.

**C.R.P.(PD).Nos.708 & 709 of 2017
and C.M.P.Nos.3576 & 3577 of 2017**

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