

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P. (NPD) No.4068 of 2017

Mrs.P.Vijayalakshmi ... Petitioner

Vs

Mr.K.Annamalai .. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to issue suitable directions to the XI Small Causes Court thereby allowing the XI Small Causes Court to adjudicate the Review Application in Review Petition M.P.No.860 of 2015 in M.P.No.261 of 2015 in R.C.O.P.No.1628 of 2014 filed by this petitioner and to dispose the same at the earliest.

For Petitioner : Mr.Srenik S.Jain

For Respondent : Mr.P.B.Ramanujam

ORDER

The present revision petition is filed only for a limited scope of prayer, for passing suitable directions to the XI Small Causes Court to

adjudicate the Review Petition in M.P.No.860 of 2015 in M.P.No.261 of 2015 in R.C.O.P.No.1628 of 2014 and dispose the same at the earliest.

2. The learned counsel for the petitioner would submit that the petitioner has filed an appeal against the order passed in M.P. No.261/2015 dated 18.08.2015, along with a condone delay application. The said application is pending before the Appellate Court. The respondent has also filed an application in M.P. No.308 of 2015 in RCA No.481 of 2015 before the Appellate Court, challenging the order dated 18.08.2015 in M.P. No. 261 of 2015.

3. It is clear from the records that the respondent has filed an appeal in R.C.A.No. 481 of 2015 along with a Miscellaneous Petition in M.P. No. 308/2015. The petitioner has challenged the order dated 18.08.2015 by way of review application and by filing an appeal before the Appellate Court. The petitioner cannot file such applications before different courts, without proper reasons. At this stage, the learned counsel for the petitioner undertakes to withdraw the appeal filed along with M.P. No.94/2015, which is in un-numbered stage.

4. The learned counsel for the respondent has no serious objection on the submissions made by the learned counsel for the petitioner and sought to grant a direction to the Appellate Court to dispose of the review application, within the time fixed by this Court.

5. In view of the submissions made by the learned counsel for both the parties, without expressing any opinion on the merits of the case, this Court directs the Rent Control Appellate Authority to dispose of the M.P. No. 860 of 2015 & RCA No.481 of 2015 in M.P. No. 261 of 2015 in RCOP No. 1628 of 2014, in accordance with law, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Civil Revision Petition is disposed of, with the above directions. No costs.

Index : Yes/ No

[Issue order copy today i.e. 11.01.2018]

avr

To

The XI Judge, Court of Small Causes, Chennai.

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06.12.2017

D. KRISHNAKUMAR J.,

avr



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Today, the matter is listed under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner has pointed out that in Paragraph Nos.4 and 5, direction has been given to the "Appellate Court" instead of XI Judge, Court of Small Causes, Chennai.

3. In view of the above request made by the learned counsel for the petitioner, paragraph 4 and 5 of the order dated 06.12.2017, is modified as as follows:

"4. The learned counsel for the respondent has no serious objection on the submissions made by the learned counsel for the petitioner and sought to grant direction to the XI Judge, Court of Small Causes, Chennai to dispose of the review application, within the time fixed by this Court.

5. In view of the submissions made by the learned counsel for both the parties, without expressing any opinion on merits of the case, this Court directs the **XI Judge, Court of Small Causes, Chennai** to dispose of M.P. No.860 of 2015 in M.P.No.261 of 2015 in RCOP. No.1628 of 2014, in accordance with law, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order”

4. Registry is directed to issue a fresh order copy, after making the above corrections.

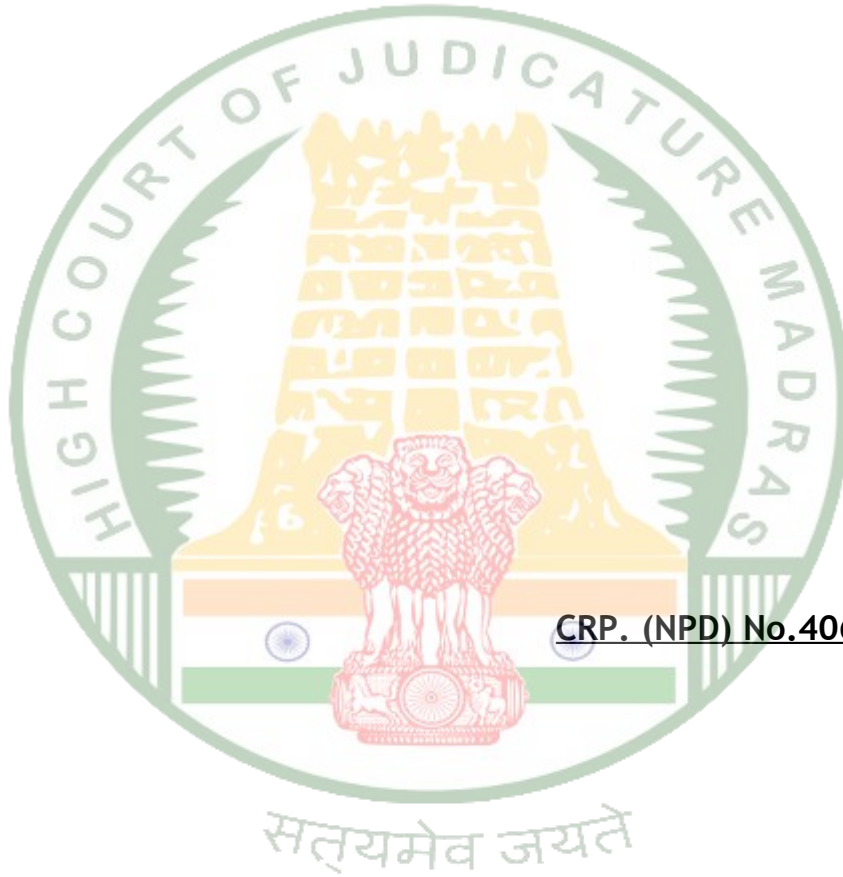
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D.KRISHNAKUMAR,J.



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