

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.06.2018

Coram:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

C.R.P.(PD)No.1278 of 2018 and
C.M.P.Nos.6553 & 6554 of 2018

M.Sandeep Bothra
rep. By his brother & P.O.A.
M.Gagan Bothra

... Petitioner

Vs.

Balamanian

.. Respondent

Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 15.12.2017 passed by the XIV Judge, Court of Small Causes, Chennai, in M.P.S.R.No.76198 of 2017 in R.C.O.P.No.927 of 2017.

For Petitioner : Mr.M.Gagan Bothra
Party-in-Person

ORDER

The civil revision petition has been filed against the order dated 15.12.2017 passed by the XIV Judge, Court of Small Causes, Chennai, in M.P.S.R.No.76198 of 2017 in R.C.O.P.No.927 of 2017.

2 The respondent herein is a landlord, who initiated eviction proceedings in R.C.O.P.No.927 of 2017 before the learned XIV Judge,

Court of Small Causes, Chennai. The revision petitioner herein is a tenant, who is represented by one M.Gagan Bothra, who appeared as party in person filed an application in unnumbered M.P.S.R.76198 of 2017 in the above eviction proceedings seeking to recognize the second respondent in main R.C.O.P. as his power agent. The learned Judge, without even numbering the application, dismissed the same by order dated 15.12.2017.

3 Aggrieved against the above order 15.12.2017, the tenant is before this Court with the present civil revision petition.

4 This Court by order dated 13.06.2018 called for records and the same was also received by this Court. On a perusal of the records, this Court found a general power of attorney executed by the petitioner herein in favour of the second respondent in the main R.C.O.P. Viz. Gagan Bothra, is very well available with the court bundle. Therefore, *prima facie* this Court found perversity in the order dated 15.12.2017 made in M.P.SR.No.76198 of 2017 in R.C.O.P.No.927 of 2017 by the learned XIV Judge, Court of Small Causes.

5 Hence the order dated 15.12.2017 made by the learned XIV Judge, Court of Small Causes, Chennai, is hereby set aside and the Court below is directed to take up the unnumbered application in M.P.SR.No.76198 of 2017 in R.C.O.P.No.927 of 2017 on file, if it is otherwise in order and dispose of the same in accordance with law and thereafter proceed with the main R.C.O.P.NO.927 of 2017.

6 In the result, the civil revision petition is allowed. Consequently connected miscellaneous petitions are closed. No costs.

27.06.2018

Internet: Yes/No
Index: Yes/No
Speaking order/Non-Speaking Order

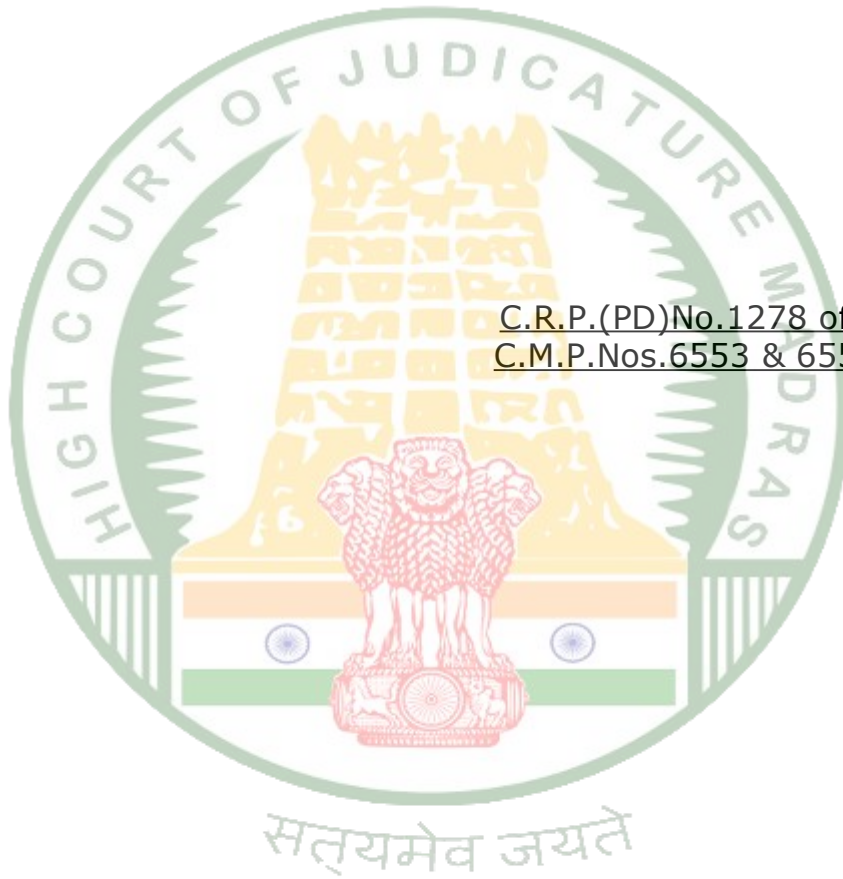
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To
The XIV Judge, Court of Small Causes,
Chennai

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P.VELMURUGAN, J.,

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