

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(NPD)No.1326 of 2018 and
C.M.P.No.6923 of 2018

P.Bhaskar

... Petitioner

Vs.

T.Dharam Chand

... Respondent

Civil Revision Petition has been filed under Article 227 of the Constitution of India to call for records pertaining to the proceedings in R.C.A.No.708 of 2013 in R.C.O.P.No.1734 of 2011 on the file of the Rent Control Appellate Authority/VIII Judge, Small Causes Court, Chennai and consequently to set aside the docket order dated 31.10.2017, made in R.C.A.No.708 of 2013 in R.C.O.P.No.1734 of 2011 on the file of the Rent Control Appellate Authority/VIII Judge, Small Causes Court, Chennai.

For Petitioner : Dr.C.Ravichandran

ORDER

This civil revision petition has been filed against the docket order dated 31.10.2017 made in R.C.A.No.708 of 2013 in R.C.O.P.No.1734 of 2011, on the file of the Rent Control Appellate Authority/VIII Judge, Small Causes Court, Chennai.

2 The petitioner filed a civil miscellaneous petition in C.M.P.No.1770 of 2018, seeking to dispense with the production of fair and decreetal order in R.C.A.No.708 of 2013 dated 31.10.2017. According to the learned counsel for the petitioner, the Rent Control Appellate Authority has only passed docket order and not a fair and decreetal order.

3 This Court by an earlier order dated 02.02.2018, directed the Registry to call for a report from the VIII Judge, Court of Small Causes, Chennai, in connection with R.C.A.No.708 of 2013. Accordingly a report was received, wherein, it is submitted that there was no detailed order has been passed. Subsequently, by an order of this Court dated 03.04.2018, entire records in connection with R.C.A.No.708 of 2013 in R.C.O.P.No.1734 of 2011 has been called for and the same also received and placed before this Court.

4 Heard the learned counsel for the petitioner and perused the entire original records.

5 On a perusal of the entire original records, it reveals that there was no speaking order as alleged by the petitioner. The VIII Judge, Court of Small Causes, Chennai, has not passed any detailed order in R.C.A.No.708 of

2013 only docket order is available in the record, which was against the provision of Section 23 of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960. When judgment was pronounced in the rent control appeal, the Court concerned ought to have prepared detailed judgment before pronouncing judgment. But, even after the lapse of five months, nothing is available in the case file.

6 In view of the above facts, the docket order dated 31.10.2017 passed by the learned VIII Judge, Court of Small Causes, Chennai, in R.C.A.No.708 of 2013, is hereby set aside and the Rent Control Appellate Authority is directed to take up the appeal afresh and dispose of the same in accordance with law.

7 With the above observations and directions, the civil revision petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

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05.04.2018

Index:Yes/No
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To
The Rent Control Appellate Authority/VIII Judge,
Court of Small Causes, Chennai.

P.VELMURUGAN, J.,

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C.R.P.(NPD)No.1362 of 2018

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05.04.2018