

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD). No.4693 of 2017

J.Neela

.. Petitioner

Vs.

P.Ravichandran,
R.R.Fast Food,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai - 600 032.

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decreetal order of the learned X Judge, Small Causes Court, Chennai passed in R.C.O.P.SR.No.51556 of 2017 dated 09.11.2017 and the same may be set aside.

For Petitioner : Mr.R.Ramanlaal

For Respondent : No appearance

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ORDER

The Civil Revision Petition is filed to set aside the order and the decreetal order passed by the learned X Judge, Small Causes Court,

Chennai in R.C.O.P.SR.No.51556 of 2017 dated 09.11.2017.

2.On the last hearing, none appeared for the respondent and today also there is no representation for the respondent.

3.According to the petitioner, the petitioner has filed an application under Section 10(2) (i) & 10 (3) (a) (iii) of Tamil Nadu Buildings Lease and Rent (Control) Act. Without giving an opportunity to the petitioner, without numbering the R.C.O.P and without giving notice to the other side, the the Rent Control Authority dismissed the said R.C.O.P on merits. Challenging the aforesaid order dated 09.11.2017 made in R.C.O.P.SR.No.51556 of 2017, the present Civil Revision Petition is filed by the petitioner.

4.In the light of the decision of this Court in the case of ***G.V. Vanitha Vs. K.Dhanasekaran*** reported in **2016 (5) CTC 329** wherein this Court has held that the learned Rent Control Authority cannot dismiss R.C.O.P without numbering the same and in the light of the well settled position that an application can be disposed of on

merits only after numbering, unless the same is not maintainable, the order of the learned Rent Controller is set aside.

5. In the light of the aforesaid decision, this Court is inclined to set aside the order dated 09.11.2017 passed in R.C.O.P.S.R.No.51556 of 2017 and remand the same to the X Small Causes Court, if it is otherwise in order and number the R.C.O.P and decide on merits and in accordance with law. This Civil Revision Petition stands allowed with the above direction. No costs.

23.03.2018

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Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

सत्यमेव जयते

To

The X Judge,
X Small Causes Court,
Chennai.

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D. KRISHNAKUMAR J.,

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