

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2018

CORAM : THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRP.(NPD) No. 636 of 2011

S.Radhakrishnan (Deceased)

- 1.S.Suganthi Sureshbabu
- 2.R.Dwarkanath
- 3.R.Srirekha
- 4.R.Sriprabha
- 5.R.Ashwinkumar

[Petitioners 1 to 5 brought on record as LR's of deceased sole petitioner Vide order dated 22.02.2017 in CMP.No. 2211/2017 in CRP.No.636 of 2011]

... Petitioners

Vs

R.Abdul Hakeem

... Respondent

Prayer: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the fair and final order dated 08.04.2010 made in RCA.No.16 of 2009 on the file of the III Additional Subordinate Judge at Coimbatore and Rent Controller, confirming the fair and decretal order dated 13.02.2009 made in RCOP.No.21 of 2007 on the file of the Principal District Munsif of Coimbatore (Rent Controller), Coimbatore.

For Petitioners : Mr.S.Mukunth
for M/s.Sarvabhauman Associates
For Respondent : Mr.C.D.Sugumar

ORDER

1.1. This petition is preferred against the order passed under Section

23(1)(b) of the Tamil Nadu Buildings Lease and Rent Control Act, 1960.

1.2. The facts in brief are that the respondent herein claiming himself to be the tenant of the building in question had moved the Rent Controller, (Principal District Munsif), Coimbatore, in RCOP.No.21 of 2007, for depositing the rent under Section 8(5) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. The, the revision petitioner, the landlord of the building, contested the matter essentially on the ground that the respondent herein is not his lessee but a sub-lessee of his tenant. However, the Rent Controller has passed an order allowing the RCOP and this was later confirmed in R.C.A.No.16 of 2009 on the file of III Additional Subordinate Judge at Coimbatore. Aggrieved by this order, the petitioner has come forward before this Court in CRP.No.636 of 2011.

2. Heard Mr.S.Mukund, the learned counsel for the petitioners. No representation for the respondents.

3. The learned counsel for the petitioners submitted that since filing of the petition, the revision petitioners had filed an eviction petition in RCOP.No.34 of 2007 before the Rent Control Tribunal-cum-I Additional District Munsif Court, Coimbatore, against their tenant and also the present respondent. On 28.10.2014, the said eviction petition was allowed by the Rent Controller, challenging which an appeal has been filed and the same is pending.

4. Inasmuch as a substantial relief in eviction operates in favour of the revision petitioners and the same is also pending now, this Court does not consider it any more necessary to decide the outstanding issue in this case, more so, because this case is pivoted on the question of sub-lease, which the Rent Controller appeared to have gone into in detail. Therefore, this petition is dismissed and the revision petitioners are directed to work out their remedies before the Rent Control Appellate Authority before whom the issue whether the respondent here is a sub-lessee or lessee of the building is pending decision. No costs.

05.04.2018

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

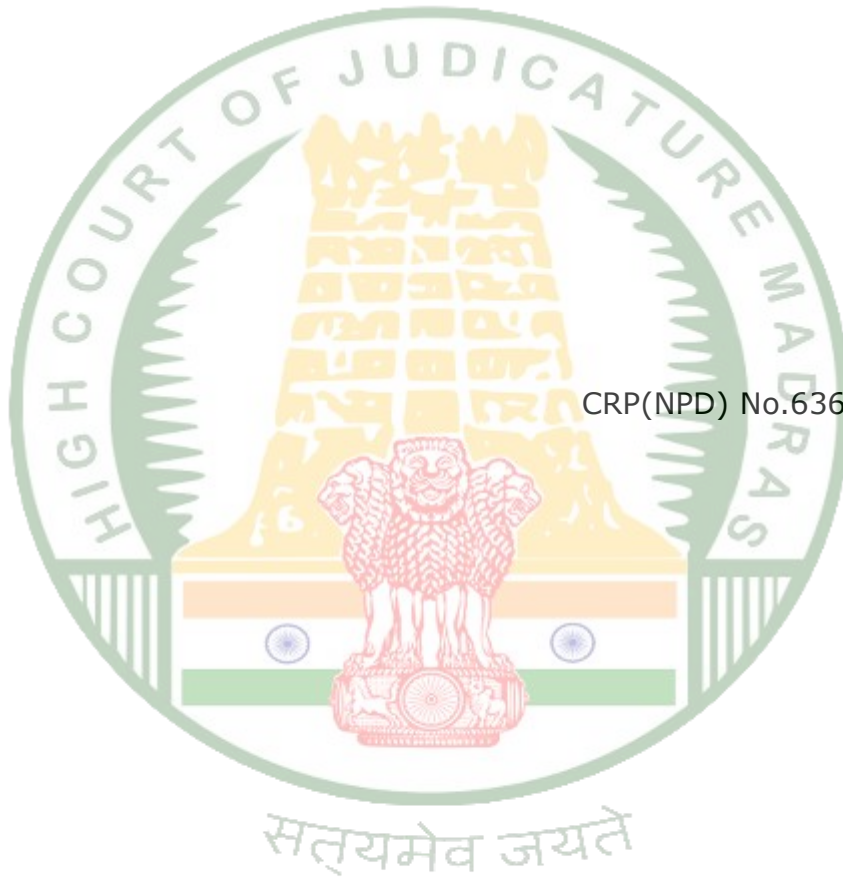
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To:

1. The Principal District Munsif (Rent Controller),
Coimbatore.
2. The III Additional Subordinate Judge/Rent Controller,
Coimbatore.

N.SESHASAYEE, J.,

ds



CRP(NPD) No.636 of 2011

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