IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) Nos. 671 to 673 of 2018
and
C.M.P Nos. 3451 to 3453 of 2018

1. Paresh K. Mehta
2. Ajay K. Mehta
3. Geetha P. Mehta
4. Sonal A. Mehta .. Petitioners in all CRPs

Vs

G. Azariah .. Respondent in all CRPs

PRAYER in CRP (PD) No. 671 of 2018: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order dated 21.11.2017 passed in M.P. No. 552 of 2017 in RCOP No. 1439 of 2012 on the file of the XV Small Causes Court, Chennai and allow the revision petition.

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PRAYER in CRP (PD) No. 672 of 2018: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and

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decreetal order dated 21.11.2017 passed in M.P. No. 553 of 2017 in RCOP No. 800 of 2013 on the file of the XV Small Causes Court, Chennai and allow the revision petition.

PRAYER in CRP (PD) No. 673 of 2018: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order dated 21.11.2017 passed in M.P. No. 554 of 2017 in RCOP No. 1280 of 2012 on the file of the XV Small Causes Court, Chennai and allow the revision petition.

For Petitioners : Dr.A. Thiagarajan, Sr. Counsel
for M/s. M. Nallathambi
For Respondent : Mr. N. Nagu Sah

COMMON ORDER

The respondent landlord filed the RCOP No. 1439 of 2012 for eviction on the ground of wilful default, against the petitioners. The respondent also initiated rent control proceedings in R.C.O.P No.1280 of 2012 for fixation of fair rent, against the petitioners. At the time of filing counter in R.C.O.P No.1439 of 2012, the petitioners filed M.P. No. 552 of 2017, raising preliminary issue to decide the territorial jurisdiction of the Rent Control Authority. The court below has dismissed the application stating that the same can be decided at the time of

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pronouncement of the orders. Challenging the same, the present revision petition has been filed.

2. Counter statement has been filed by the respondent in the aforesaid application. After considering the submissions made by both the parties, the court below dismissed the application observing that both sides witnesses have been examined and that the trial has almost come to an end. Since the application has been filed at that stage, the court below dismissed the application. It has been further observed that the question of territorial jurisdiction can be decided at the time of pronouncement of the orders, after analysing the entire facts. In view of the above observations made by the court below, this Court is not inclined to entertain this Civil revision petition. However, at the time of pronouncement of the orders, if the court comes to a conclusion that there is no territorial jurisdiction to entertain the RCOP, then appropriate order may be passed to approach before the appropriate Court, without going into the other issues in the aforesaid RCOP proceedings.

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D. KRISHNAKUMAR J.,

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3. Therefore, all the Civil Revision Petitions are dismissed, with the above observation. Consequently, the connected Miscellaneous Petitions are closed. No order as to costs.

21.02.2018

Index : Yes/ No

Speaking order/ Non speaking order

[Issue order copy on or before 25.04.2018]

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To
The Rent Control Appellate Authority/
XV Small Causes Court,
Chennai.

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