

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P (PD) No.753 of 2018

and

C.M.P. No.3816 of 2018

C.B.Nanda Gopal (Deceased),

1.C.N.Poongodi

2.C.N.Yasodha

3.C.N.Krishnaveni

4.C.N.Prithvirajkumar

.. Petitioners

Vs

M. Mohammed Akbar

.. Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the decree and order dated 08.12.2016 passed in M.P. No.560 of 2013 in RCOP No. 750 of 2013 on the file of the Hon'ble XIII Small Causes Court at Chennai.

For Petitioners

: Mr.S. Raveekumar

ORDER

This Civil Revision Petition is filed to set aside the decree and order dated 08.12.2016 passed in M.P. No.560 of 2013 in RCOP No. 750 of 2013 on the file of the Hon'ble XIII Small Causes Court at Chennai.

2. The deceased petitioner filed the RCOP for eviction against the respondent, on the ground of default in payment of rent. The petitioner in RCOP died on 22.06.2014 and the revision petitioners, who are the legal representatives of the deceased petitioner, got themselves impleaded as petitioners. The learned counsel for the petitioners would submit that pending RCOP also, the respondent failed to pay the rents. Hence, the petitioners filed an application under Section 11(4) of the Tamil Nadu Buildings Lease and Rent Control Act, in M.P. No.560 of 2013 seeking for payment of rent. The court below dismissed the same. Challenging the said order, the present revision petition is filed before this Court.

3. Section 23 of the Act, provides an appeal against the order passed by the Rent Control Authority, wherein sub clause (b) states that, any person aggrieved by an order passed by the Controller may, within

fifteen days from the date of such order, prefer an appeal in writing to the appellate authority having jurisdiction.

4. In view of the above submission and the above provisions of law, the present Civil Revision Petition is not maintainable and the same is dismissed. However, it is open to the petitioners to approach the Appellate Authority, if so advised. On receipt of such appeal, the Appellate Authority shall consider the appeal, including the question of maintainability of the appeal. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

05.03.2018

Speaking / Non Speaking order

Index :Yes/No

[Issue order copy on 03.05.2018]

avr

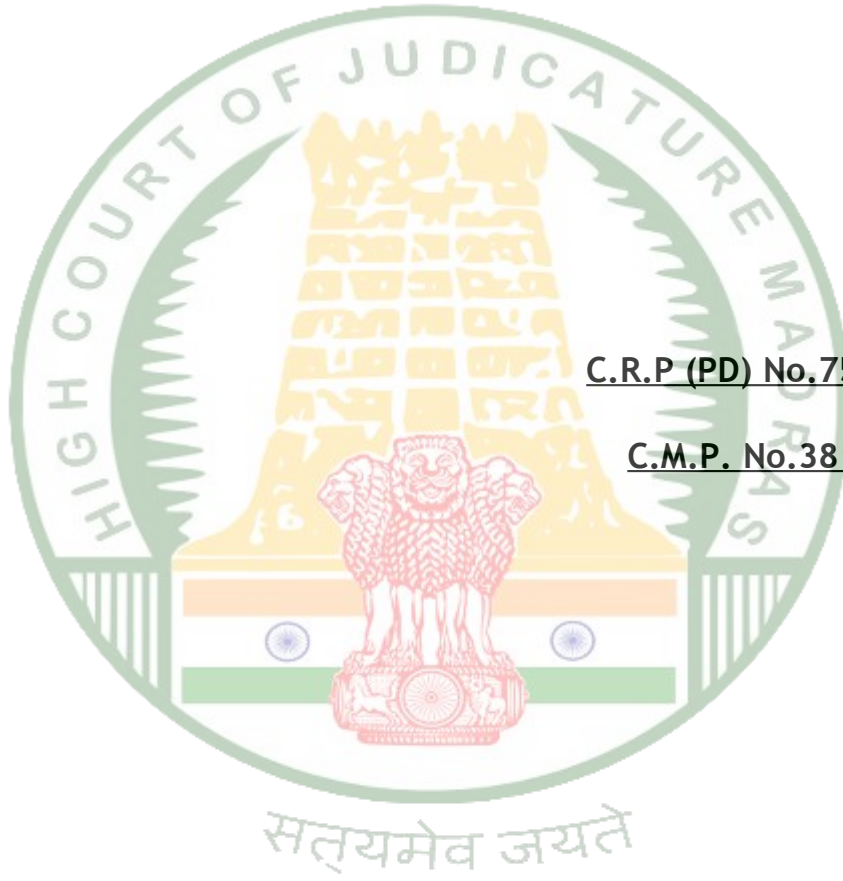
To

The District Munsif,
Mettur.

WEB COPY

D. KRISHNAKUMAR J.,

avr



C.R.P (PD) No.753 of 2018
and
C.M.P. No.3816 of 2018

WEB COPY 05.03.2018