

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.09.2018

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(NPD)Nos.2126 and 2127 of 2010
and M.P.No.1 of 2010

M.A.Sirajudeen ... Petitioner in both C.R.Ps

-VS-

P. Theakharajan ... Respondent in both C.R.Ps

PRAYER: Civil Revision Petitions filed under Section 25[2] of the Tamil Nadu Buildings [Lease and Rent Control]Act 1960 against the dismissal of the judgement and decree dated 13.02.2009 made in R.C.A. No.688 of 2002 and R.C.A.No.731 of 2002 respectively on the file of the VII Appellant Authority, Small Causes court, Chennai, which was filed against fixation of fair rent dated 07.06.2002 made in R.C.O.P.No.2357 of 1998 on the file of XVI Judge, Small Causes court, Chennai.

For Petitioner
in both C.R.Ps

:Not ready in notice

For Respondent
in both C.R.Ps

:Mr. K.P. Ashok

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COMMON ORDER

The above Civil Revision Petitions had originally been heard by Hon'ble Mr.Justice T.Mathivanan (since retired), on 21.11.2017 and the learned Judge had dismissed the revision petitions. However, the detailed order was not passed. Therefore, the revisions were once again made de-part heard and posted before this Court. A memo was also filed by the learned counsel for the petitioner on 28.08.2018 stating that they had given the case papers to the petitioner on 21.02.2014 itself and that their names may be deleted.

2. When the matter came up on 27.08.2018, this Court had passed the following order:

" The learned counsel for the petitioner would submit that he has given change of vakalat.

In the mean time, registry is to verify that any other counsel had entered appearance on behalf of the petitioner, if so print the name of that counsel. post on 29.08.2018."

3. An oral request was also made to the learned counsel for the respondent, who informed this Court that on account of the statement of the learned Judge dated 21.11.2017 stating that the revision has been dismissed, the respondent/landlord has instituted

R.C.O.P.No.420 of 2014 for willful default of payment of rent, since the revision petitioner/tenant had not paid the fair rent as fixed by the authorities. The learned counsel would also submit that the R.C.O.P was allowed on 24.03.2015. He had also attempted to serve notice on the Advocate, who is now appearing on behalf of the tenant in the above R.C.O.P. However, that notice has returned as 'no such person'.

4. Considering the fact that in the subsequent rent control proceedings, the tenant was directed to pay the arrears of rent on or before 08.04.2015 in MP.No.601/2014 in R.C.O.P.No.420 of 2014, by order dated 24.03.2015 and since the conditional order had not been complied with, eviction has been ordered, I am of the opinion that nothing survives for consideration in the present Civil Revision Petitions. Hence the revision petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.09.2018

Index: Yes/No
Speaking/non-speaking order

srn

To

The learned XVI Judge,
Small Causes court, Chennai.

P.T. ASHA.J.,

srn



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