

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.03.2018

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CIVIL REVISION PETITION(PD) No.3305 of 2016
and C.M.P.No.16854 of 2016

C.Viswanathan

.. Petitioner

vs

1.R.Srinivasaiah

2.Reliance Web World,
"R.S.Towers", Opp. to
Traffic Police Station,
Bangalore Road,
Hosur 635 109.

3.Reliance Inforcomm Ltd.,
"B" Block, 2nd Floor,
DBI Module DAKC,
Navi Mumbai 400 079,
Maharashtra State.

.. Respondents

The Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 to set aside the docket order dated 23.08.2016 made in I.A.No.12 of 2015 in R.C.A.No.1 of 2013 on the file of the District Munsif, Hosur by allowing the Civil Revision Petition.

For Petitioner

... Mr.T.Dhanasekaran

For Respondents

... Mr.V.Lakshmi Narayanan
for R.1

No Appearance
for R.2 and R.3

ORDER

The Civil Revision Petition has been filed to set aside the docket order dated 23.08.2016 passed in I.A.No.12 of 2015 in R.C.A.No.1 of 2013 by the District Munsif, Hosur by allowing the Civil Revision Petition.

2.The learned counsel for the petitioner submitted that the first respondent filed R.C.O.P.No.3 of 2005 against the petitioner and respondents 2 and 3 and the same was allowed in so far as reliefs sought under Sections 10(2)(ii)(b) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 and the R.C.O.P. was dismissed in so far as reliefs sought under Section 10(2)(iii) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 by the learned District Munsif and Judicial Magistrate No.I, Hosur on 10.09.2013. As against the said order, the petitioner has filed R.C.A.No.1 of 2013 before the appellate Court and the same was dismissed for default on 13.02.2015. Hence, the petitioner has filed I.A.No.12 of 2015 in R.C.A.No.1 of 2013

seeking to set aside the exparte dismissal order dated 13.02.2015. Subsequently, the said application was also dismissed for default on 23.08.2016. Aggrieved by the said order, the present Civil Revision Petition has been filed.

3.The learned counsel for the first respondent submitted that the Civil Revision Petition filed by the petitioner is not maintainable as the petitioner is having remedy by filing appropriate application before the Court below. The learned counsel further submitted that the first respondent filed E.P.No.33 of 2013 before the learned District Munsif, Hosur and delivery was taken on 13.07.2017 and hence, E.P. was also terminated on 17.07.2017. Hence, the Civil Revision Petition is liable to be dismissed.

4.Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials available on record.

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Considering the facts and circumstances of the case and submissions made by the learned counsel for both sides, this Court without going into the merits of the case, dismissed the Civil Revision

D.KRISHNAKUMAR,J.
cla

Petition by granting liberty to the petitioner to approach the appellate Court and file an appropriate application to set aside the order dated 23.08.2016, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

26.03.2018

Speaking/Non Speaking order
Index: Yes/No.
cla

To
The District Munsif,
Hosur.



**C.R.P.(NPD)No.3305 of 2016
and C.M.P.No.16854 of 2016**

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26.03.2018



Date: 21.02.2018

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