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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

REV.APPLN.NO.212 OF 2019
IN
C.R.P.(PD).NO.1892 OF 2015

S.Rajasekara Rao

... Petitioner

vs

J.Mohan

... Respondent

Prayer: Review Application filed under Section 114 read with Order XLVII Rules 1 & 2 of C.P.C., to review the order dated 04.06.2019 passed in C.R.P.No.1892 of 2015 on the file of this Court.

C.R.P.No.1892 of 2015:-

Petition under Article 226 of the Constitution of India, praying the High Court to set aside the order/decreed of the Court of the VII Court of Small Causes, Chennai, dated 28.11.2014 made in R.C.A.No.36 of 2013 confirming the order passed by the Rent Control Appellate Authority, (XIII Court of Small Causes), Chennai, allowing in part the order dated 09.12.2011 in RCOP.No.2649 of 2008 by the XIII Judge, Court of Small Causes, Chennai.

For Petitioner : M/s.Vaishnavi Subrahmanyam

O R D E R

In the present Review Application the petitioner has sought to review the order dated 04.06.2019 passed by this Court in C.R.P(PD).No.1892 of 2015. By the said order, this Court has dismissed the Civil Revision Petition filed against the order of the Rent Control Appellate Court allowing the R.C.A as prayed by the respondent/landlord.

2.The petitioner has also filed a memo in the open court wherein in paragraph Nos.6 and 7 it has been prayed as follows:-



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6.It is submitted that this Hon'ble Court may be pleased to direct the Respondent to refund the Petitioner's security deposit as well as the advance paid in 2000. This prayer has been made given the contentious nature of the present proceedings as well as in light of the fact that the Petitioner herein requires these funds to move his business to a new premises.

7.Therefore, it is prayed that this Hon'ble Court's will take into consideration the aforementioned fact while passing orders in the present petition.

3.In the present Review Application, the petition has submitted that the petitioner had paid a sum of Rs.42,410/- as security deposit and Rs.5,00,000/- as pagdi at the instance of execution of first lease deed paid directly to the previous tenant as per the directions of the respondent as advance even though the same was in contravention to the provisions of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

4.That apart, the learned counsel for the petitioner submits that the petitioner is in the jewelry business and therefore he has not been able to locate an alternate place for shifting the jewelry shop. Therefore, the time may be extended.

5.The above submission of the learned counsel for the petitioner relating to the hardship and the alleged pagdi of Rs.5,00,000/- and the advance etc. are not relevant criteria for reviewing the order passed by this Court. I do not find any merits in the present Review Application filed by the petitioner. However, two weeks time is given to the petitioner to vacate the premises. No further application will be entertained.

6.The present Review Application is disposed. No cost.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The VII Judge,
VII Small Causes Court,
Chennai.

2. The XIII Judge,
XIII Court of Small Causes,
Chennai.

+1cc to M.Balaji, Advocate, SR.No.97018.

Copy To
The Section Officer,
VR Section, High Court,
Madras-104.

Rev.Appln.No.212 of 2019
in
C.R.P. (PD) .No.1892 of 2015

PM(CO)
CS/13/01/2020