

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2019

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(PD).No.1009 of 2019

&

C.M.P.No.6687 of 2019

Mr.Thirumalai Raja @ K.C.Raja ...Petitioner

Vs

Mr.K.Govindaswamy ...Respondent

Prayer:Civil Revision Petition is filed under Article 227 of the Constitution of India to strike off the petition in R.C.O.P.No.827 of 2018 on the file of the XVI Small Causes Judge, Chennai. Court, Chennai.

For Petitioner : Mr.M.L.Joseph
for Chennai Law Associates

For Respondent : Mr.N.Nagu Sah

ORDER

The above Civil Revision Petition is filed to strike of the petition in R.C.O.P.No.827 of 2018, pending on the file of the XVI Small Causes Judge, Chennai. The petition is sought to be filed on the ground that the wife of the revision petitioner has purchased 1/3rd portion in the building and this factum is well known to the respondent, who had originally issued a notice on 11.07.2008, demanding the fair rent from the revision petitioner to which the reply dated 14.08.2008, had also been sent by the revision petitioner. The revision petitioner had denied the jural relationship of landlord and tenant.

2.This was followed by the suit O.S.No.8469 of 2008 which is filed by the respondent herein, before the II Assistant City Civil Court, Chennai for a partition and separate possession of his 1/3rd share in the suit property and for a declaration that he had

a pre emitive right to the 1st and 2nd defendants' 1/3rd share respectively (This relief was given up as per endorsement dated 07.01.2010).

3.In the plaint the respondent had referred the revision petitioner as a tenant and the same has also been accepted by his wife who who was impleaded as 3rd defendant in the suit. In the written statement she would state that the legal notice was sent to her husband with a calculative mind to cause threat to him, who is a tenant with regard to the portion of the property from 2004. The revision petitioner would submit that having suppressed all these facts the Rent Control Petition has sought to be filed and therefore the same has to be struck of.

4.It is an admitted fact that it is only revision petitioner's wife who is the co-owner and the fact that the revision petitioner is a tenant is also admitted. The landlord-tenant relationship between the parties has to be tested in the Rent Control Petition.

Therefore I find no merits in the Civil Revision Petition.

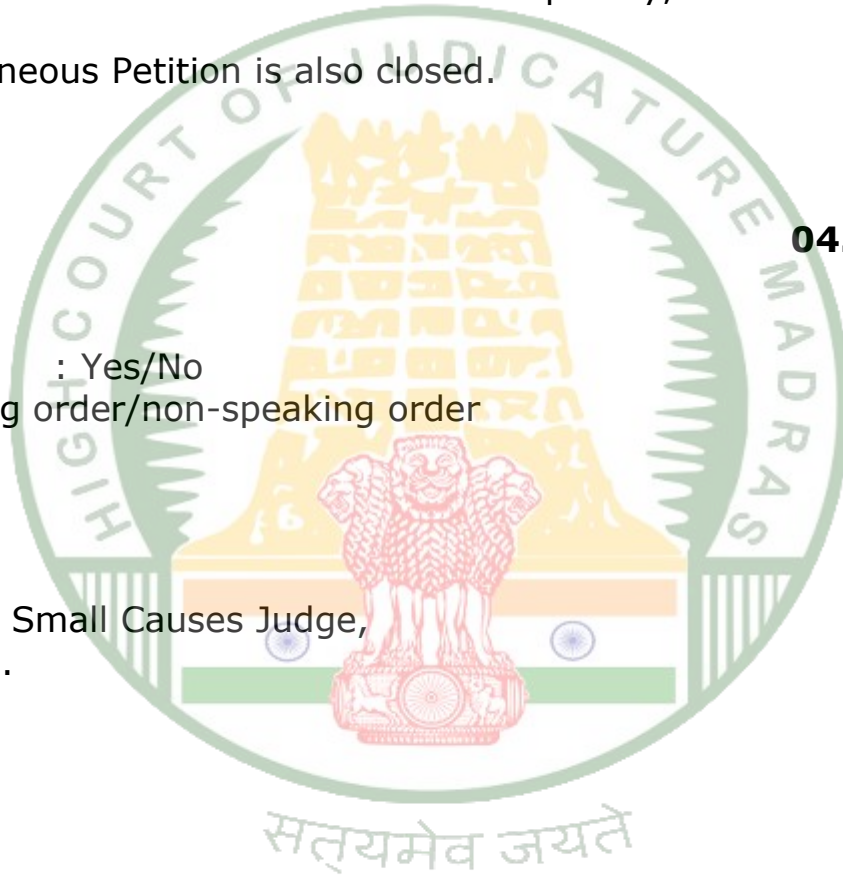
The Civil Revision Petition stand dismissed. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

04.04.2019

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Index : Yes/No
Speaking order/non-speaking order

To,

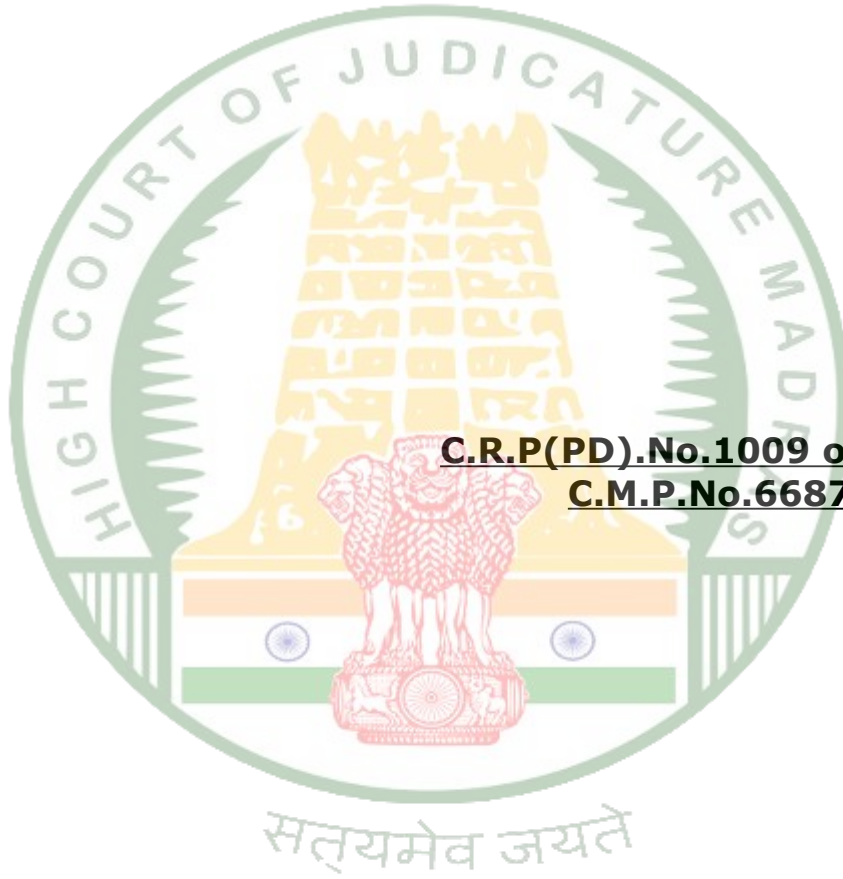
The XVI Small Causes Judge,
Chennai.



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P.T.ASHA, J.,

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