

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. NPD 3999 of 2019
and
C.M.P. 26300 of 2019

V.Jayammal ... Petitioner

Versus

S.Thajoon ... Respondent

PRAYER : Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, praying to set aside the order dated 08.11.2018 made in M.P. No. 311 of 2018 in RCOP No.1173 of 2015 on the file of XI Small Causes Court, Chennai.

For Petitioner : Mr.P.Neethikumar
for M/s.Waraon and Sairams

ORDER

This Civil Revision Petition has been filed against the order dismissing the petition filed under Sec.151 of C.P.C. to amend

the decree.

2. The petitioner landlord has filed an eviction petition against the respondent herein, wherein schedule of property was mentioned as second floor instead of mentioning as ground floor. Subsequently, the eviction petition was also allowed. Challenging the order of eviction, the respondent tenant filed an appeal in R.C.A. 611 of 2017 on the file of IX Small Causes Court, Chennai. Now, pending appeal, the petitioner has filed an application before the Rent Controller under Sec.152 of C.P.C. to amend the decree, and to correct the description of the property, The same has been dismissed by the Rent Controller. Challenging the same, the present Civil Revision Petition has been filed.

3. I have heard and considered rival submissions made by learned counsel appearing for petitioner and perused the records carefully.

4. The petitioner wants to amend the schedule of property in the eviction petition under Sec.152 of C.P.C. It is settled law that, under Sec.152 of C.P.C. only a clerical and arithmetical error in the judgment or decree can be rectified. Admittedly, in

this case, the schedule of property has been wrongly given in the petition itself, that cannot be corrected under Sec.152 of C.P.C. The only way for the petitioner to file necessary application seeking for amendment in the petition itself. The learned Rent Controller has rightly dismissed the application, I find no illegality or irregularity in the order passed by the Rent Controller and I find no merit in this Civil Revision Petition. However, liberty is granted to the petitioner to file necessary application seeking for amendment. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is also closed.

06.12.2019

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

To

XI Small Causes Judge,
Small Causes Court,
Chennai.

V.BHARATHIDASAN,J.

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