

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2019

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(NPD).Nos.4863 & 4864 of 2014

and

M.P.Nos.1 & 1 of 2014

G.Babuji

... Petitioner/Respondent

CRP(NPD).No.4863/2014

M.Chandrasekaran

... Petitioner/Respondent

CRP(NPD).No.4864/2014

Versus

S.Srinivasan

...Respondent/Petitioner

in both petitions

COMMON PRAYER: This Civil Revision Petition has been filed under Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act 18 of 1960 to call for the records pertaining to the issue of the decreetal and fair order passed in R.C.A.Nos.335 & 336 of 2006 duly passed by the learned VII Judge Small Causes Court, Chennai, dated 17.09.2014, in dismissing the appeal and consequently, confirming the decreetal and fair order passed in R.C.O.P.Nos.1185 & 1186 of 2005, dated 10.03.2006 on the file of the learned XV Judge of Small Causes, Chennai and to set aside the same.

For Petitioner
in both petitions

: Mr.D.Ashok Kumar

For Respondent
in both petitions

: Mr.M.Balasubramaniam

COMMON ORDER

These two Civil Revision Petitions have been filed against the order passed in R.C.A.Nos.335 & 336 of 2006, respectively, by the learned VII Judge Small Causes Court, Chennai, dated 17.09.2014, in dismissing the appeals and consequently, confirming the order passed in R.C.O.P.Nos.1185 & 1186 of 2005, respectively, dated 10.03.2006, by the learned XV Judge, Small Causes Court, Chennai.

2 The learned counsel appearing for the petitioners/tenants would submit that the revision petitioners in both the petitions, who are the tenants under the very same landlord, have filed a suit in O.S.No.9561 of 2010, for specific performance of the agreement and the said suit was dismissed on 27.08.2010 and as against such dismissal, a regular appeal was filed before this Court and the same was also dismissed and thereafter, petitioners herein/tenants have preferred the Second Appeal before the this Court and it is in the adjourned admission stage.

3 The learned counsel appearing for the respondent stated that two tenants under him have sought for eviction in RCOP.Nos.1185 & 1186 of 2005 respectively and eviction was ordered by the learned Rent Controller in the said RCOPs and the

same was confirmed by the learned Rent Control Authority in RCA.Nos.335 and 336 of 2006. Meanwhile, in RCOP.Nos.1185 & 1186 of 2005, possession was taken by the landlord/respondent through Court in E.P.Nos.180 & 181 of 2006 on 17.07.2016 and 17.06.2016 respectively. Accordingly, both EPs were terminated. It is represented that the landlord/respondent died. Therefore, in both the cases, the legal representatives of the deceased respondent were properly impleaded.

4 Taking into consideration the facts and circumstances, this Court finds that there is nothing survives in these two RCOP.Nos. 1185 & 1186 of 2005 and hence, the same are closed as infructuous. Considering the fact that the Second Appeal filed by the very same tenants is pending consideration before this Court, CRP.(NPD).No.4863 of 2014 dismissed as infructuous and in respect of CRP.(NPD).No.4864 of 2014, the Second Appeal appears to be pending consideration before this Court and hence, without prejudice to the rights and contentions of the tenants therein, both these Civil Revision Petitions are dismissed with a liberty to petitioners to agitate and to raise all the pleas available under the law.

RMT.TEEKAA RAMAN., J.

dua

5 In the result, these Civil Revision Petitions stand dismissed as infructuous with the above observations. No costs. Consequently, connected Miscellaneous petitions are closed.

11.12.2019

dua
Speaking Order: Yes/No

To

1. The learned VII Judge,
Small Causes Court.

2. The learned XV Judge of Small Causes,
Chennai.

CRP(NPD).Nos.4863 & 4864 of 2014
and
M.P.Nos.1 & 1 of 2014

सत्यमेव जयते

WEB COPY