



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Fourth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP(MD) No.3201 of 2019
IN
CRP(MD) No.SR9482 of 2019

G.SHANTHILAL TRANSPORT CO.,
REP.BY ITS PARTNER ANIL G.VIJAN, 3,
CEMENT CHAWLKATHA BAZAAR, MASJID BUNDER,
MUMBAI-400 007.

... PETITIONER/PETITIONER

Vs

K.SHANKAR

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the Petitioner Company to file CRP against the Judgment and Decree dated 12.09.2018 made in R.C.A.No.54 of 2014 on the file of Rent Control Appellate Authority (Principal Sub Court), Madurai confirming the order and decreetal order dated 02.06.2014 made in RCOP No.149/1992 on the file of Rent Controller (Additional District Munsif Court), Madurai Town by accepting the cause title of the Petitioner made in the above CRP(MD)SR.No.9482 of 2019 and thus render justice,

PRAYER IN CRP(MD) No.SR9482 of 2019

Set aside the Judgment and decree dated 12.09.2018 made in R.C.A.NO.54/2014 on the file of the Rent Control Appellate Authority (Sub Court)Madurai confirming the Order and decreetal order dated 02.06.2014 made in R.C.O.P.No.149/1992 on the file of Additional Rent Controller, (Additional District Munsif Court) Madurai Town and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.V.SITHARANJANDAS, Advocate for the petitioner, the court made the following order:-

This Civil Miscellaneous Petition has been preferred to grant leave to the petitioner/ Company to file a Civil Revision Petition by accepting the casue title of the petitioner made in the above said revision.



2.The petitioner contended that he has filed R.C.O.P.No.149 of 1992 for fixation of fair rent against the tenant, who has been described as G.L.Vijan, G.Shanthilal Transport Corporation. In the said R.C.O.P., the Rent Controller fixed the rent at Rs.15,870/-. Aggrieved by the fixation, the tenant has preferred R.C.A.No.90 of 2000 before the Rent Control Appellate Authority (Principal Sub Court), Madurai and on the same, the learned Subordinate Judge fixed the fair rent at Rs.12,650/-. Hence, the present revision.

3.The grievance of the petitioner herein is that the cause title of the petitioner was changed while the matter was remanded back to the Rent Control Appellate Authority and hence, the present miscellaneous petition has been filed for the relief as prayed for. When the matter was remanded back to the Rent Control Appellate Authority, the cause title was wrongly mentioned in the said R.C.A.

4.The learned counsel for the respondent is present.

5.In the cause title, an error has been occurred and the same is an apparent error, which is not making any change in the cause of action or the nature of the case. Hence, it is an apparent error in the mentioning of the cause title and hence, the Civil Miscellaneous Petition is liable to be allowed.

6.Accordingly, this Civil Miscellaneous Petition is allowed and the petitioner is granted leave to proceed with the Civil Revision Petition with the same cause title.

sd/-

04/04/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL SUBORDINATE JUDGE,
RENT CONTROL APPELLATE AUTHORITY,
MADURAI.
- 2 THE ADDITIONAL DISTRICT MUNSIF JUDGE,
ADDITIONAL RENT CONTROLLER,
MADURAI.

PS/JC/SAR-2/24.04.2019/2P/3C

ORDER

IN

CMP (MD) No.3201 of 2019

IN

CRP (MD) No.SR9482 of 2019

Date :04/04/2019