

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.01.2020

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.(NPD) No.87 of 2020
and
C.M.P.No.519 of 2020

Mr. Kamal Sundaramurthy,
Running a Tuition Centre
in the name and style of
S.K. Engineering Academy,
Old Door NO.A-48, New Door No.A-12,
5th street, Anna Nagar East,
Chennai 600 102

... Petitioner

Vs.

1. D. Indhira

2. Mallika

3. Malathi

... Respondents

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PRAYER : Civil Revision Petition filed under article 227 of Constitution of India praying to set aside the order of the Chief Judge, Court of Small Causes at Chennai in CMP No.68 of 2019 in Tr.O.P.No.357 of 2019 in RCA No.92 of 2019 , order dated 09.09.2019.

For Petitioner : Mr. R. Srinivasan

ORDER

This Civil Revision has been filed against the order staying all further proceedings in R.C.A.NO.92 of 2019, by the learned Chief Small Causes Judge, in a transfer application filed by the first respondent/landlord.

2. According to the petitioner, a petition under Section 4 of the TamilNadu Buildings (Lease & Rent Control) Act in R.C.O.P.No.323 of 2017 before the XI Small Causes Court, Chennai, has been filed for fixing a fair rent by the first respondent/landlord, in which, an exparte order dated

28.03.2018 has been passed against the petitioner/tenant. To set-aside the above exparte order, the petitioner/tenant filed an application in M.P.No.327 of 2018, which was dismissed on 02.01.2019. Challenging the same, the petitioner herein had filed an appeal in RCA.No.92 of 2019 and in the said R.C.A, the petitioner has completed his argument. At this stage, the first respondent/landlord has filed an application to transfer the R.C.A to some other Court. In the Above R.C.A, the learned Chief Small Causes Judge, Chennai, granted an order of interim stay of all further proceedings. Now, challenging the same, the present revision has been filed.

3. Now a transfer application is pending before the Court below, and without deciding the transfer application, the RCA cannot be proceeded with. In the above circumstances, the transfer application filed by the first respondent/land lord should necessarily be decided and until that application is decided, the RCA cannot be heard by the Appellate authority. Hence, there is no error in granting stay of R.C.A.

4. Considering the above circumstances, the learned Chief Judge, Small Causes Court, Chennai, is directed to dispose of the Transfer O.P. on or before 31.01.2020.

5. With the above direction, this Civil Revision Petition is disposed of No costs. Consequently, connected miscellaneous petition is closed.

13.01.2020

Index:Yes/No
Internet:Yes
Speaking/Non-speaking order
mrp

Note : Issue order copy on 23.01.2020

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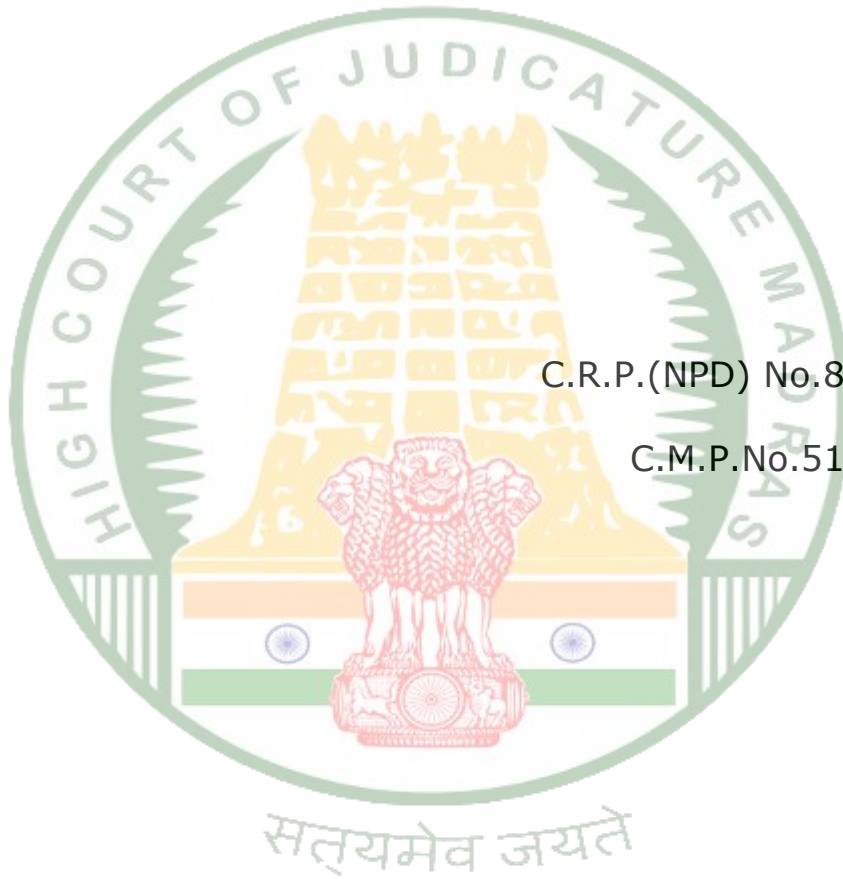
The Chief Small Causes Court,
Chennai

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V.BHARATHIDASAN, J

mrp



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