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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.No.1103 of 2020

and

C.M.P.No.6013 of 2020

J. Joyce Lydia
Petitioner

...

Vs.

Christobell Jeyapurani
Respondent

...

Prayer:- Civil Revision Petitions are filed under Article 227 of Constitution of India against the fair and decretal order dated 03.01.2020 made in Tr.OP.No. 362 of 2019 on the file of the Chief Judge, Small Causes Court, Chennai.

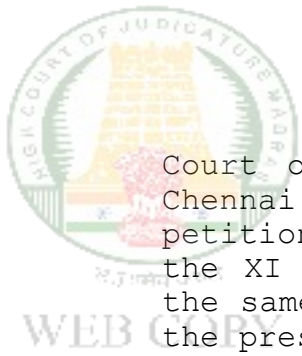
For Petitioner : M/s.M.Reena
For Respondent : Mr.B.Gopalakrishnan

ORDER

This Civil Revision Petition is filed to set aside the order and decretal order of dismissing the Tr.OP.No. 362 of 2019 in RCOP.No. 1445 of 2012 on the file of Chief Small Causes Court, Chennai dated 03.01.2020.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent and perused the materials available on record.

3. The grievance of the revision petitioner is that the respondent herein has filed RCOP.No. 1445 of 2012 before the XI Judge, Court of Small Causes, Chennai for eviction and RCOP.No. 593 of 2019 before the XII Judge, Court of Small Causes, Chennai for fixing fair rent. The revision petitioner herein had filed Tr.O.P.No.362 of 2019 before the Chief Judge, Court of Small Causes, Chennai to transfer the RCOP.No.1445 of 2012 from the XI



Court of Small Causes, Chennai to XII Court of Small Causes, Chennai. The Court below by order dated 03.01.2020, allowed the petition and directed to conduct both RCOPs simultaneously by the XI Judge, Court of Small Causes, Chennai and to dispose of the same within a period of three months. Challenging the same, the present revision is filed.

4. On a perusal of records, it is seen that the revision petitioner herein is the tenant and the respondent herein is the land lady. Both the cases i.e. RCOP.No. 1445/2012 and RCOP.No. 593 of 2017 were filed by the respondent herein for eviction and for fixing of fair rent respectively. The Court below, while allowing the Tr.O.P. No. 362 of 2019 filed by the revision petitioner herein, has observed that there is no Judicial Officer in the XII Small Causes Court and already time was fixed by the VII Judge in RCA.No.260 of 2012 to dispose the RCOP. No. 1445 of 2012 within three months, hence in order to have better adjudication, directed to transfer the RCOP.No. 593 of 2017 pending on the file of XII Small Causes Court, Chennai to the XI Small Causes Court, Chennai and complete the same within three months.

5. Since the revision petitioner herein has filed Transfer O.P before the Court below and the Court below has also passed an order to conduct simultaneous trial and the time limit was also fixed by the court below to dispose the cases, the reason stated by the learned counsel for the revision petitioner for challenging the impugned order that lot of papers were missing in the bundle of RCOP.No. 1445 of 2012 before the XI Small Causes Court, Chennai is not acceptable and the said contention is liable to be rejected.

6. This Court finds no merits in the submissions made by the learned counsel for the revision petitioner. If any grievance on the submissions made by the learned counsel for the revision petitioner, the same shall be placed before the appropriate forum and this Court cannot entertain the submissions made by the learned counsel for the revision petitioner.

7. In the result, the Civil Revision Petition is dismissed as not maintainable. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

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To

The Chief Judge,
Court of Small Causes,
Chennai.

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+2ccs to M/s.C.Renuka, Advocate, S.R.No.21947

+1cc to Mr.N.Gopala Krishnan, Advocate, S.R.No.22134

C.R.P.No.1103 of 2020 and
C.M.P.No.6013 of 2020

MP (CO)
KKV/13/07/2020