

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(NPD) No.717 of 2013

R.Sundarajan HUF ...Petitioner

..Vs..

1.T.Palani
2.V.Palani ...Respondents

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 Act 1 of 1973, against the judgment and decree of the Court of the VII Small Causes Judge-cum-Appellate Authority, Chennai in R.C.A.No.709 of 2005 dated 04.10.2012 in reversing the well considered judgment and decree of the X Court of Small Causes, Chennai in R.C.O.P.No.614 of 2004 dated 28.04.2005.

For Petitioner :Mr.Sharaf Chandran
For Mrs.V.Srimathi

For R1 :No appearance
For R2 :Mr.G.Saravanan

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ORDER

The landlord is the Revision Petitioner herein.

2. The petitioner/landlord filed R.C.O.P.No.614 of 2004 for eviction on the ground of willful default in demolition and reconstruction and the same was allowed, by an order dated 20.04.2005 as against which, he has filed R.C.A.No.709/05 by the tenant.

3. When the matter was posted 'for Judgment' re-open petition has been filed and the same was dismissed and simultaneously, order was passed whereby R.C.A filed by the tenants was allowed and hence, this Civil Revision Petition by the petitioner/landlord.

4. The learned counsel for the petitioner/landlord would contend that they were not heard before passing the impugned order.

5. After perusing the entirety of the documents and records, I find that the points raised by the landlord has not been considered.

6. Accordingly, this Civil Revision Petition is allowed and the order passed in R.C.A709/05 is set aside. The matter is remanded back to the Rent Control Appellate Authority to dispose of R.C.A in accordance with law. The Registry is directed to send the records to the Court below within four weeks. The trial Court is directed to dispose of the case within a period of 12 weeks from the date of receipt of records from this Court. No costs.

08.01.2020

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Index:Yes/No

Speaking Order:Yes/No

To

1. The VII Small Causes Judge-cum-Appellate Authority, Chennai.
2. The X Court of Small Causes, Chennai.

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RMT.TEEKAA RAMAN,J.,

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