

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.09.2020

CORAM:

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

C.R.P (PD).No.229 of 2018

K.Murali

....Petitioner

-Vs-

1. Sathish Kumar

2.M.S.Padma Rani

W/o, Sathish Kumar,

Rep. By power of attorney,

Sathish Kumar

No.2 &3,Old No.13 (Old No.7),

Krishnappa Maistry Street,

Park Town, Chennai – 600 003.

... Respondents

Prayer:

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the order and decree dated 06.12.2017 in RCA SR No.70832/2017 on the file of the learned VII Judge, Court of Small Causes, Chennai against order and decree dated 04.11.2017 in RCOP No.305/2015, on the file of the learned XI Judge, Court of Small Causes, Chennai.

For Petitioner : Mr.K.Shakespeare

For Respondents : Mr.S.Srinivasan

ORDER

This revision is filed against the order passed by the appellate Authority under the Rent Control Act, refusing to entertain an appeal against an order of the Rent Controller refusing to decide the issue relating to existence or otherwise of the jural relationship of landlord and tenant as a preliminary issue. The eviction petition was filed under Sections 10 (2) (vii), 10 (3)(a) (iii) & 14 (1) (b) of the Tamil Nadu Buildings (Lease and Rent Control) Act (18 of 1960).

2. The tenant raised an issue regarding the absence of jural relationship and filed an application in MP No.448 of 2015, seeking to decide the issue relating to the existence or otherwise of the Jural relationship of landlord and tenant as a preliminary issue on various grounds.

3. The Rent Controller finally concluded that the existence

of the Jural relationship of landlord and tenant cannot be decided as a preliminary issue as the same can be decided only after conclusion of the trial. Aggrieved by this order, the tenant sought to prefer an appeal before the learned Appellate Authority.

4. The learned appellate Authority rejected the appeal stating that there is no order against the petitioner and what has been done by the Rent Controller is only a postponement of the decision on the question of relationship of landlord and tenant. Aggrieved the tenant has come up with this revision.

5. It is settled law that the Tami Nadu Buildings (Lease and Rent Control) Act, 1960 is a self contained Code and the provisions of the Code of Civil Procedure are not applicable to Rent Control proceedings. The Act does not provide for a decision on any issue as a preliminary issue. Therefore, I do not see any error in the procedure adopted by the Rent Controller and the rejection of the appeal by the appellate authority. This revision therefore fails and it is accordingly dismissed. It is made clear that the Rent Controller shall decide the

RCOP without being influenced by any of the observations in any of the order passed in the interregnum. No costs.

08.09.2020

Index : Yes/No

Speaking order / Non Speaking order
vum

To

1. The VII Judge, Court of Small Causes, Chennai
2. The XI Judge, Court of Small Causes, Chennai.



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R.SUBRAMANIAN, J.

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