

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No. 3577 of 2018
and
C.M.P.No. 20033 of 2018

Mohammed Aejaaz Ahamed ...Petitioner/Appellant/Respondent

Vs.

Dhanalakshmi Ammal ..Respondent/Respondent/Petitioner

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decree dated 09.01.2018, passed in RCA SR No. 73726 of 2017 on the file of VII Court of Small Causes, Chennai against M.P.No. 684 of 2016 in R.C.O.P No. 553 of 2015 dated 09.10.2017 on the file of the XIII Court of Small Causes, Chennai.

For Petitioner : Mr.Munirudin Sheriff

For Respondent : No Appearance

O R D E R

This revision has been filed against the order rejecting the appeal filed by the petitioner against an order made in M.P.No.684 of 2016 in R.C.O.P.No. 553 of 2015, which is a petition for deciding the maintainability of the Rent Control Original Petition as a preliminary issue.

2. The petitioner, who according to the respondent is a tenant filed an application seeking rejection of the R.C.O.P as not maintainable on the ground, the respondent is neither the landlord nor the owner of the premises. The Trial court dismissed the application on the ground that there was no provision for deciding a preliminary issue by the Rent Controller under the TamilNadu Buildings (Lease and Rent Control) Act, which has been held to be a self-contained Court. The petitioner attempted to file an appeal against the order, which was also rejected by the Appellate Authority. Aggrieved, the petitioner has come by way of revision.

3.It is a settled law, that the Tamilnadu Buildings (Lease and Rent Control)Act is a self-contained Code and the

provisions of the Code of civil procedure cannot be applied. There is no provision under the said Act for deciding an issue that arose in the Rent Control Original Petition as a preliminary issue. If the tenant denies the title of the landlord or claims that there was no landlord and tenant relationship, it is for the rent controller to decide an issue in the main R.C.O.P itself.

4. Therefore, I do not see any irregularity in the procedure adopted by the Courts below in rejecting the application filed by the petitioner seeking to decide on the title of the landlord as a preliminary issue. This civil revision petition is therefore dismissed. Consequently, connected miscellaneous petition is closed. No costs.

5. It is made clear that the petitioner / tenant can raise all defences open to him in the R.C.O.P and the same will be decided by the Rent Controller on merits.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To:-

1. The VII Judge,

Court of Small Causes,

Chennai.

2. The XIII Judge, Court of Small Causes,

Chennai.

Copy To

The Section Officer,

V.R. Section, High Court,

Madras -104.

C.R.P.No. 3577 of 2018

and

C.M.P.No. 20033 of 2018

SV(CO)

GN(22/10/2020)