

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

C.R.P.(PD).No.230 of 2021

V.E.Viswanathan
Door No.5/11-A,
Paramathi Velur Post
Namakkal District

... Petitioner

Vs.

1.The Director (Marketing)
Hindustan Petroleum Corporation Limited
Corporate Head Quarter
Jamsteji Tata Road
Mumbai – 400 001

2.The Regional Officer
Hindustan Petroleum Corporation Limited
No.90, Second Floor
MTSR Enclave, Bharathidasan Road
Cantonment, Tiruchirapalli – 620 001

3.The Regional Manager
Hindustan Petroleum Corporation Limited
Hindustan Petroleum House
Door No.18/3, Big Bazaar Street
Coimbatore – 641 001.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 21.11.2020 returning the Complaint Diary CFR No.5386 of 2020 on the file of the Principal District Court, Namakkal and consequently direct the Principal District Court, Namakkal, to take the complaint on the file within a reasonable time frame fixed by this Court.

For Petitioner : Mr.S.Mukunth
For Respondents : Mr.M.Vijayan
for M/s.King and Partridge

ORDER

This civil revision petition has been filed seeking to set aside the order dated 21.11.2020 returning the Complaint Diary CFR No.5386 of 2020 on the file of the Principal District Court, Namakkal and consequently, direct the Principal District Court, Namakkal, to take the complaint on the file within a reasonable time frame fixed by this Court.

WEB COPY

2. The suit was filed for recovery of money for unauthorized use and occupation by the respondents and for recovery of rent amounting to Rs.17,64,000/- with interest. The Court below has returned the suit on the ground that the suit will fall under the Tamil Nadu Buildings (Lease and

Rent Control) Act, 1960, and could not be tried before that Court and also found that the suit is filed only for recovery of money as arrears of rent for unauthorized use and occupation of the petitioner's premises for the last three years as damages and the suit is maintainable under Section 22 of the Tamil Nadu Court Fees and Suit Valuation Act. Accordingly, Court fee paid under Section 22 of the Tamil Nadu Court Fees and Suit Valuation Act.

3. It is also seen that the Court below has returned the suit on 21.11.2020 on the ground that as to whether specific order to sue the similar type of plaint in the Supreme Court judgment dated 02.03.2020 to be explained and hence returned. When it was represented, again it was returned on 30.07.2020. It was again represented and returned on 03.09.2020 and again, it was represented on 09.09.2020.

4. It is seen that the Court below has not considered the plea made by the petitioner. The petitioner has made an endorsement that the suit is not for enhancement of rent, but, for seeking damages and compensation for unauthorized use and occupation of the suit property after the lease period was over by the respondents and by way of monthly rent.

5. This Court heard the learned counsel for the petitioner and having satisfied with the reasons, numbered the present civil revision petition and issued notice to the respondents. The respondents entered appearance before this Court through an Advocate Mr.M.Vijayan.

6. The learned counsel for the respondents would submit that the suit can be numbered giving liberty to the respondents to raise all the objections regarding the maintainability of the suit.

7. In view of the above discussion, this Court issues the following directions:

- (1) The Principal District Judge, Namakkal, shall number the plaint and expedite the trial;
- (2) Liberty is given to the respondents to file their objections by way of written statements or by any other manner, preferred by the respondents.

With the above directions, this civil revision petition is allowed. No costs.

31.03.2021

nsd

Index: Yes/ No

To

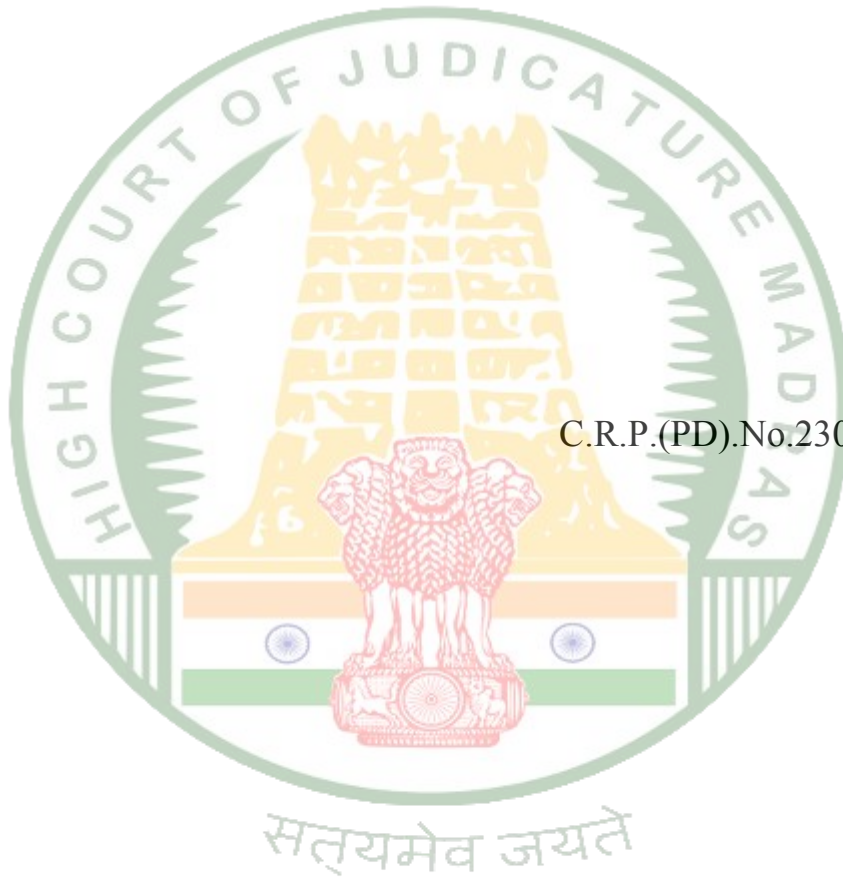
The Principal District Judge,
Namakkal.



WEB COPY

V.BHAVANI SUBBAROYAN, J.,

nsd



C.R.P.(PD).No.230 of 2021

WEB COPY

31.03.2021