

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.PD.No.1314 of 2021 &
CMP No.10250 of 2021

Firos Cheriaparambath Myladan,
Represented by the General Power of Attorney,
Mrs.Rehiyanath K.P.,
W/o.Firos Cheriaparambath Myladan,
R/o.Flat No.1, Building "Q 35" 17th Street,
Chennai-600 040. Petitioner/Respondent

Vs

SOS Children's Villages of India (SOS-CVI)
Represented by its Secretary Gneral
Office at Plot No.4, Block C-1,
Institutional Area, Nelson Mandela Marg,
Vasant Kunj, New Delhi-110 070. Respondent/Applicant

Civil Revision Petition filed under Article 227 of the Constitution
of India, aginast the docket order dated 29.03.2021 in R.L.T.O.P.No.308
of 2020 passed by the learned XV Small Causes Judge at Chennai.

For Petitioner .. M/s.Ahmed Associates

For Respondent .. No appearance

ORDER

Heard the learned counsel for the revision petitioner.

2. The learned counsel for the revision petitioner is aggrieved by the docket order dated 29.03.2021 in RLTOP No.308 of 2020 which is now pending on the file of the XV Judge, Court of Small Causes, Chennai.

3. It appears that the revision petitioner/respondent had raised an issue of maintainability. The learned XV Small Causes Court Judge/Rent Controller has passed a very cursory order which is extracted as follows:

“Both counsel present. Perused the records and written arguments filed by the petitioner side on maintainability. Satisfied that the present application is maintainable since covered u/s.5(3) of the Act. The other issues will be decided after trial. It is made clear that the Respondent shall not again raise the point of maintainability which this court has decided now. The Respondent is directed to file counter by 16.04.2021. NFA.”

In the above docket order, that particular portion, “ It is made clear that the Respondent shall not again raise the point of maintainability which this court has decided now.” , is hereby set aside. The Rent Controller has not given any reasons as to how the petition is maintainable except for stating that it is covered under Section 5(3) of the Act. Therefore, the revision petitioner/respondent in RLTOP No.308 of 2020, is at liberty to file a counter and in the counter, he may raise issues of maintainability of petition and if such issues are raised in manner known to law, the learned XV Judge, Small Causes Court, Chennai, will have to decide the same.

4. With the above observation, this Civil Revision Petition is disposed of. No order as to costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

12.07.2021

Internet: Yes/No
Index: Yes/No
kal

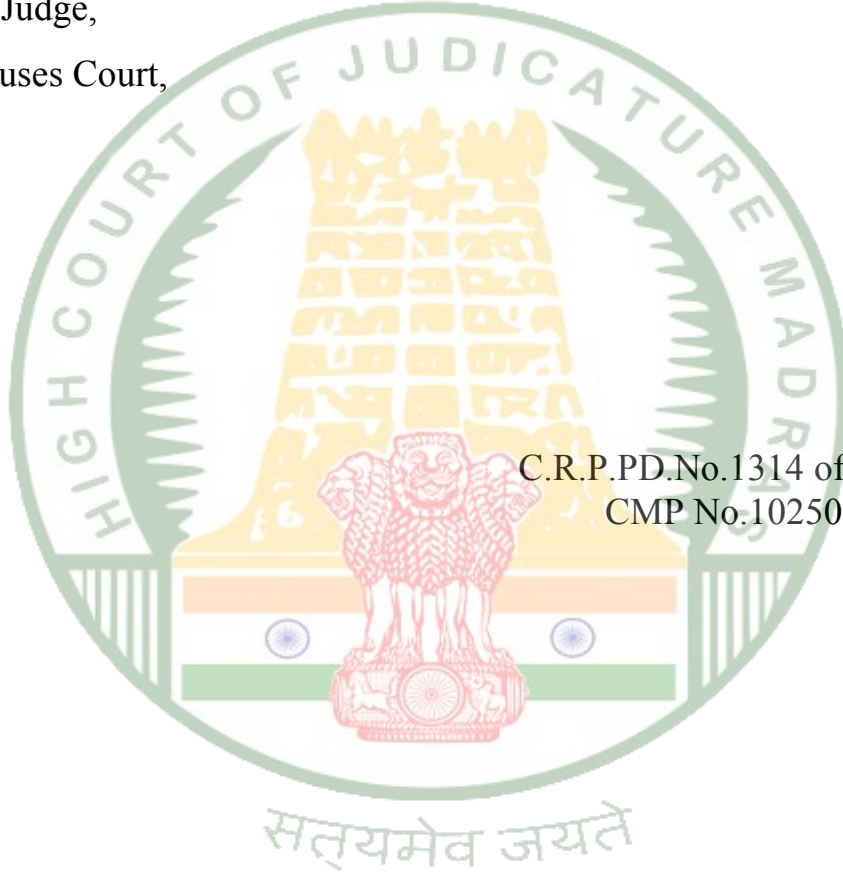
WEB COPY

C.V.KARTHIKEYAN,J.

kal

To

The XV Judge,
Small Causes Court,
Chennai.



C.R.P.PD.No.1314 of 2021 &
CMP No.10250 of 2021

WEB COPY

12.07.2021