



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2021

CORAM

WEB COPY

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P(MD)No.472 of 2021

R.G.Umarani

... Petitioner/ Petitioner/Landlord

vs.

1. M.Vijaya

2. Sri Sujatha

.... Respondent/Respondents/Tenants

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside docket order dated 08.01.2021 in E.P. unnumbered of 2021 in R.C.O.P.No.115 of 2017 on the file of the learned Rent Controller cum District Munsif, Tiruchirappalli.

For Petitioners : Mr.A.L.Kannan

O R D E R

This Civil Revision Petition has been filed to set aside the docket order dated 08.01.2021 in E.P. unnumbered of 2021 in R.C.O.P.No.115 of 2017 on the file of the learned Rent Controller cum District Munsif, Tiruchirappalli.

2.The learned counsel for the revision petitioner would state that the revision petitioner is the landlord and the respondents herein are the tenants. The revision petitioner preferred Rent Control Original Petition in R.C.O.P.No.115 of 2017 on the file of the learned Rent Controller cum District Munsif, Tiruchirappalli praying for eviction under Section 10(2)(i), 10(3)a(i) and 10(2)(ii) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 and the same was allowed. Challenging the same, the respondents herein preferred an appeal in R.C.A.No.5 of 2020 on the file of the Appellate Authority/Principal Subordinate Court, Trichy and the same is pending. He would further submit that in order to execute the fair and decreetal order passed in RCOP, the revision petitioner preferred Execution Petition and the same was returned vide order dated 08.01.2021, with an endorsement to file original power of attorney along with the Execution Petition. The grievance of the revision petitioner is that on such return when he made an attempt to represent the same on the ground that original power of attorney was filed in RCOP and the same is attached to the file of the pending RCA and hence, the revision petitioner is not in a position to produce the same. However, the registry attached to learned Rent Controller cum District Munsif, Tiruchirappalli refused to receive



the same. Aggrieved over the same, the revision petitioner has come forward to file the present revision petition.

3. Heard the learned counsel for the petitioner and perused the materials placed before this Court. Since no adverse order is going to be passed, no notice is necessary to the respondents herein.

4. Unfortunately, the present civil revision petition has been filed by the revision petitioner even without complying the defects made by the Court below. Admittedly, the Court below returned the unnumbered execution petition on the ground to file original power of attorney along with the petition. If at all the Court below had returned the petition, the revision petitioner could have represented the petition drawing the attention of the learned Judge by stating that the original power of attorney was filed in R.C.O.P.No.115 of 2017 and the same is attached to the file of the pending R.C.A.No.5 of 2020 on the file of the Appellate Authority/Principal Subordinate Judge, Trichy. Instead of doing it, the revision petitioner has chosen to file the present civil revision petition. Therefore, the revision petitioner is directed to approach the Court below and represent the petition after complying with the defects as stated in the docket order.

5. Accordingly, with the above observation this civil revision petition is disposed of. No costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

1)The Rent Controller cum District Munsif Court,
Tiruchirappalli.

2)The Record Keeper,E.R. Section,
Madurai Bench of Madras High Court,Madurai.

(to return the original petition filed along with the revision petition after substituting a photostat copy of the same.)

ORDER MADE IN
C.R.P (MD) No.472 of 2021
12.03.2021

PM(CO)

TR(31.03.2021) 2P 3C

<https://hcservices.ecourts.gov.in/hcservices/>