



CRP No.1417 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.1417 of 2019

B.Devendra Kumar Bhandari

..Petitioner

Vs.

I.Susai

..Respondent

**Prayer:** Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18/1960 as Amended by Act 23/1973 and 1/1980, to set aside the order dated 31.08.2018 passed in M.P.No.347 of 2018 in RCA No.545 of 2012 by the VIIth Judge, Appellate Authority, Court of Small Causes, Chennai.

For Petitioner : No appearance

For Respondent : Mr.N.A.Nissir Hussain  
for Mr.N.A.Nissar Ahmed

**ORDER**

The civil revision petition has been filed as against the order dated 31.08.2018 passed in M.P.No.347 of 2018 in RCA.No.545 of 2012 on the file of the VII Judge, Appellate Authority, Court of Small Causes, Chennai, thereby dismissing the petition to set aside the exparte order.



2. The petitioner is a tenant and the respondent is a landlord. The respondent filed a petition under Section 4 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, to fix a fair rent for the petitioner's premises and the same was allowed and fixed a sum of Rs.52,546/- per month. Aggrieved by the same, the tenant preferred an appeal in RCA.No.530 of 2012, it is pending. At the same time, the landlord also filed an appeal in RCA.No.545 of 2012 for re-fixing of fair rent of the petitioner's premises. After hearing both side, the learned Rent Control Appellate Authority fixed a fair rent at Rs.56,212/- per month for the petitioner premises. Thereafter, the petitioner filed an application to set aside the order dated 28.03.2018 passed in RCA.No.545 of 2012 as if the said order was passed without hearing the submission of the petitioner and he was set exparte in the trial.

3. On perusal of records revealed that on receipt of notice in RCA.No.545 of 2012, Mr.D.Dharamchand Jain, the learned counsel for the petitioner and M/s.R.Md.Hidayathullah, the learned counsel for the respondent were appeared during trial. After hearing both side arguments, the learned Rent Control Appellate Authority passed orders on merits in accordance with law. Therefore, the petitioner was never set exparte before the learned Rent Control Appellate



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Authority and the learned Rent Control Appellate Authority passed orders, only after hearing both the counsel. Hence, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the orders passed by the Court below.

4. In view of the above, the civil revision petition stands dismissed. No costs.

09.12.2022

Speaking/Non-speaking order  
Index : Yes/No  
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To

The VII Judge, Appellate Authority,  
Court of Small Causes,  
Chennai.



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**G.K.ILANTHIRAIYAN.J,**

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