



C.R.P (NPD) No.502 of 2022 &
C.R.P. (PD) No.543 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM: JUSTICE N.SESHASAYEE

C.R.P (NPD) No.502 of 2022 & C.R.P. (PD) No.543 of 2022
and C.M.P. Nos.2636 & 2846 of 2022

C.Rajarajeswari

... Petitioner in both
CRPs

Vs.

R.Sivanesan

... Respondent in both
CRPs

PRAYER: The Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 22.12.2021 in TR OP Nos.80 & 81 of 2020 passed by the learned Chief Judge, Court of Small Causes at Chennai and consequently transfer RCA Nos.68 & 69 of 2020 pending on the file of the VII Court of Small Causes at Chennai to the VIII Court of Small Causes at Chennai to be heard along with RCA No.802 of 2018.

For Petitioner in : Mr.P.B.Balaji
both CRPs

For Respondent in : Mr.A.Sivaji
both CRPs



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COMMON ORDER

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These revisions are preferred for setting aside the order of the learned Chief Judge, Small Causes Court, declining to transfer RCA Nos.68 and 69 of 2020 now pending before the VII Small Causes Court to VIII Small Causes Court. The said order was passed on 22.12.2021 in TR OP Nos.80 & 81 of 2020.

2. The facts arise in the following way: The revision petitioner is a landlady and she laid two eviction petitions, in RCOP No.1717 of 2014 under Section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, (hereinafter called as the Act) and RCOP No.1718 of 2014 for eviction on the ground of wilful default.

3. The tenant/respondent herein, on his part has laid RCOP No.704 of 2017 seeking the leave of the Tribunal to deposit the rent under Section 8 of the Act. All the three cases were tried by XIV Small Causes Court and were disposed of by a common order. Vide his order dated 14.09.2018, the learned Judge allowed landlady's application for eviction in RCOP No.1717 of 2014, which she had filed under Section 14(1)(b) of the Act and also RCOP No.704 of 2017, filed by



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the tenant under Section 8 of the Act. So far as RCOP No.1718 of 2014, which the landlady had filed for eviction under Section 10(2)(i) of the Act is concerned, the Tribunal chose to dismiss it. This now gave rise to three appeals.

4. The tenant/respondent herein had preferred RCA No.802 of 2018 against the order of eviction passed in RCOP No.1717 of 2014, whereas the landlady has preferred RCA No.68 of 2020 against the order dismissing her RCOP No.1718 of 2014 and RCA No.69 of 2020 against the order allowing tenant's RCOP No.704 of 2017. While RCA No.802 of 2018 is pending in VIII Court of Small Causes, RCA Nos.68 & 69 of 2020 are pending before the VII Court of Small Causes. The landlady only seeks consolidation of all the appeals in VIII Court of Small Causes and hence she moved Transfer OPs before the learned Chief Judge, Small Causes Court.

5. Heard both sides.

6. The only prayer sought for by the landlady is the consolidation of all the three Rent Control Appeals between the same parties pertaining to the same building and one single tenancy. It is therefore, appropriate that all the appeals



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are heard by the learned VIII Judge, Court of Small Causes. Accordingly, the order of the learned Chief Judge, Court of Small Causes, dated 22.12.2021 made in TR OP Nos.80 & 81 of 2020 is set aside. Let R.C.A. Nos.68 and 69 of 2020 standing before the VII Judge, Court of Small Causes, be transferred to the VIII Court of Small Causes, to be tried along with R.C.A. No.802 of 2018, which is pending in the said court. The learned VIII Judge, Court of Small Causes, is required to dispose of all the appeals, as expeditiously as possible.

7. The revision petitions are disposed of accordingly. However, there is no order as to costs. Consequently, the connected civil miscellaneous petitions are closed.

25.04.2022

Asr

To
The VII Judge, Court of Small Causes, Chennai
The VIII Judge, Court of Small Causes, Chennai



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N.SESHASAYEE, J.,

Asr

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and C.M.P. No.2846 of 2022

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