



WEB COPY



CRP.No.1354 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.1354 of 2019
and CMP.No.8822 of 2019

1.Dhanalakshmi
2.I.R.Venkatesan(died)
3.I.R.Narayanan
4.I.R.Parthasarathy
5.V.Hamsa
6.V.Priya
7.V.Prabhu
8.V.Prasanna
(petitioners 5 to 8 impleaded as legal heirs
of the second petitioner vide court order
dated 13.12.2022 in CRP.No.1354 of 2019
recording the memo dated 07.01.2022)

... Petitioners

Vs.

Rukmani Amma

... Respondent

PRAYER: Civil Revision petition is filed under Section 25 of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960 as amended by the Act 23 of 1973 in Act 1/90 to set aside the fair and decretal order of the learned VII Judge, Court of Small Causes, Chennai (Rent Control Appellate Authority) dated 24.01.2019 in MP.No.371 of 2018 in RCA.No.530 of 2013 and to allow the above civil revision petition.

For Petitioners : Mr.S.Santhosh Kumar
for Mr.K.Azhagu Raman



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For Respondent : No appearance

ORDER

This civil revision petition has been filed to set aside the fair and decreetal order of the learned VII Judge, Court of Small Causes, Chennai (Rent Control Appellate Authority) dated 24.01.2019 in MP.No.371 of 2018 in RCA.No.530 of 2013, thereby dismissed the petition filed for seeking permission to examine PW1 for marking certain documents before the appellate court.

2. Heard, Mr.S.Santhosh Kumar, the learned counsel for the petitioners. Though notice was served, no one appeared on behalf of the respondent before this Court in person or through pleader.

3. The petitioners filed petition for eviction on the ground of wilful default as against the respondent. It was dismissed on the ground that the petitioners failed to produce any document to prove that the petitioners and the respondent are landlords and tenant. The petitioners also failed to produce any document that the schedule mentioned property and the property which was



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rented out to the respondent is one and the same. Aggrieved by the same, the petitioners preferred appeal in RCA.No.530 of 2013. While pending the appeal, the petitioners filed petition seeking permission to examine PW1 for marking certain documents. It was also dismissed for the reason that the petitioners failed to mark those documents proposed to be marked in the appeal.

4. On perusal of the affidavit filed in support of the said petition, it was stated that even before the order passed by the relevant Rent Controller, assessment of property tax issued by the Corporation of Chennai. However, it was not placed before the learned Rent Controller since it was misplaced at that time. The Assessment of Corporation Tax in respect of the petition property and the property tax payment receipt are to be produced for adjudication in the appeal. It is also revealed that in respect of electricity service connection, legal notice was issued to the Assistant Engineer, Tamilnadu Electricity Board, Chennai thereby called upon the officials not to provide any electricity service connection without consent of the petitioners. The said notice and acknowledgment are vital documents to prove that the petitioners are the landlords since the respondent now denied the title itself in respect of the petition premises. The appellate court ought to have allowed the



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petition in order to prove their contention.

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5. In view of the above, the fair and decreetal order of the learned VII Judge, Court of Small Causes, Chennai (Rent Control Appellate Authority) dated 24.01.2019 in MP.No.371 of 2018 in RCA.No.530 of 2013 is set aside and this civil revision petition is allowed. The appellate court is directed to dispose of the appeal in RCA.No.530 of 2013 within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

13.12.2022
(2/2)

Index :Yes/No
Internet : Yes/No
Speaking order/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

The learned VII Judge,
Court of Small Causes, Chennai
(Rent Control Appellate Authority)

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13.12.2022