



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Ninth day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE C.V.KARTHIKEYAN

CMP.No.18897 of 2021

in CRP(NPD).No.4307 of 2017

M/S.SUNRISE CHENNAI DISTRIBUTORS (P) LTD., [PETITIONER]
REP. BY MR.SELVA BAKYARAJ, DIRECTOR,
NEW NO.135, OLD NO.80, HABIBULLAH ROAD,
T.NAGAR, CHENNAI 600 017.

Vs

1 R.P.RAJARAJAN ASSOCIATES, [RESPONDENTS]
REP. BY R.P.RAJARAJAN, R.PARTHIBAN AND
P.USHA, 105, DR.RADHAKRISHNAN ROAD,
MYLAPORE, CHENNAI-600 004.

2 IDBI BANK LTD,
REP. BY AUTHORIZED OFFICER, 115, ANNA SALAI,
OPP. TO ASHOK LEYLAND, SAIDAPET, CHENNAI-600015.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner/petitioner to implead IDBI Bank Ltd represented its by authorized officer, No.115, Anna Salai, opposite to Ashok Leyland, Saidapet, Chennai-600 015 as proposed Respondent No.2 in the above CRP(NPD).No.4307 of 2017.

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.VAIRAVA SUBRAMANIAN, Advocate for the petitioner and of M/S.V.ANAND, Advocate for the Respondents, the court made the following order:-

This petition has been filed under Order 1 Rule 10(2) r/w Section 151 of the Civil Procedure Code seeking to implead as a proposed second respondent, IDBI Bank Ltd., Chennai, in the civil revision petition.



2.This petition has been filed by the petitioner/tenant. In the affidavit filed in support of the petition, it has been stated that the respondent/landlord had obtained loan from IDBI Bank Ltd., by mortgaging the property, in which, the petitioner is a tenant in a portion of the property. It had been directed by an order of the Debts Recovery Tribunal that the rent should be paid directly to IDBI Bank. In view of that particulars fact, it has been stated that IDBI Bank is a necessary party and it should be impleaded as the second respondent in the revision petition.

3.The respondent in the revision petition has filed a counter, in which, it had been stated that the rents have been directly paid to the IDBI Bank towards discharge of the mortgage but possession has not been taken by IDBI Bank. The respondent still continuous to be the landlord and the petitioner still continuous to be the tenant.

4.Heard both the learned counsel.

5.The scope of the revision petition, which had been filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control Act) 1960 as Amended by Act 23 of 1973, is only to examine the judgments passed by the Rent Controller and the Rent Control Appellate Authority and to find out whether there are many material irregularities seeking revision.

6.The present revision arise out of a Rent Control Original Petition filed under Section 4 of the Act by the tenant/petitioner seeking to determine the fair rent for the premises under the occupation. The Rent Controller had passed a judgment, on analysis of evidence presented. The Rent Control Appellate Authority has also passed a judgment on appreciation of evidence presented and also on examining the judgment of the Rent Controller. The scope of the present revision is to examine whether the fair rent as determined by the two Authorities is fair and just. The issue in the present revision being thus, I hold that IDBI Bank is not a necessary party and the issue raised in this petition travels beyond the scope of the present revision and therefore, there being no merits, this petition is dismissed.

-sd/-

09/03/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE IX JUDGE,
SMALL CAUSES COURT, CHENNAI.



2 THE XIII JUDGE,
SMALL CAUSES COURT, CHENNAI.

WEB COPY

Order

in
CMP.No.18897 of 2021

in CRP(NPD).No.4307 of 2017

Date :09/03/2022

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