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C.R.P.No.3146 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.SOUNTHAR**

C.R.P.No.3146 of 2022
and
C.M.P.No.16856 of 2022

M/s.Aroma Restaurants & Resorts Pvt. Ltd
Rep by its Managing Director
Mr.Kewal Krishnan Mehendiratta
No.9, Cenotaph Road,
Chennai – 600 018.

.. Petitioner

Vs.

R.Shanmugam

..Respondent

PRAYER: This Civil Revision Petition had been filed under Article 227 of the Constitution of India, to set aside the Docket Order dated 12.09.2022 passed in M.P.Sr.No.36735 of 2022 in R.L.T.O.P.No.780 of 2021 pending on the file of Learned XIII Judge, Court of Small Causes, Chennai and thereby take the petition on file and allow the Civil Revision Petition.

For Petitioner : Mr.S.Santhosh Kumar



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ORDER

The Civil Revision Petition is filed challenging the order dated 12.09.2022, returning the petition filed by the revision petitioner in M.P.SR.No.36715/2022.

2. The Revision Petitioner filed a petition seeking dismissal of the R.L.T.O.P.No.780 of 2021 filed by the respondent, on the ground that it was not maintainable. The said petition was returned by the Rent Control Court by citing the order passed by this Court in C.R.P.Nos.976 & 977 of 2020. When a petition is returned, the petitioner has to re-present the same explaining to the Court that the petition is maintainable, but instead of doing the same, the petitioner has chosen to challenge the impugned return by the Rent Court.

3. I do not think by mere return of papers, the rights of the parties will be affected. Therefore, this Court is inclined to dispose the revision with direction to the petitioner to represent the returned papers along with his explanation for the defects pointed out/questions raised in the return. If the Court below is not satisfied with the explanation offered by petitioner, it



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shall call the matter in open Court, afford open Court hearing to the petitioner and pass considered order in accordance with law.

4. Hence, this Civil Revision Petition is dismissed with above directions. No costs. Consequently, connected miscellaneous petition is closed.

5. Registry is directed to return the original petition in M.P.Sr.No.36715/2022.

30.09.2022

kmm
Speaking Order/ Non Speaking Order
Index: Yes/ No

To

The XIII Judge, Court of Small Causes, Chennai



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S.SOUNTHAR, J.

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