



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.PD.No.2181 of 2017

V.V.Kannan

... Petitioner

Vs

Revathy

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 22.03.2017 in un-numbered Tr.OP (in SR.No.1144 of 2017).

For Petitioner

..

Mr.T.Dharani

ORDER

This Civil Revision Petition has no legs to stand and the same has to be dismissed. The Civil Revision Petition has been filed questioning an order dated 22.03.2017 in an unnumbered Tr.OP in SR.No.1144 of 2017 which Transfer Original Petition was presented before the Principal District Court, Salem, seeking to transfer RCOP.No.30 of 2013, which



was pending before the District Munsif Court, Salem, to be tried along with O.S.No.191 of 2016 which was pending on the file of the II Additional Subordinate Court, Salem. The only reason given for such transfer is that the property involved in both the Rent Control Original Petition and in the Original Suit were the same and the parties were also same. Therefore, the revision petitioner herein had filed an application under Section 24 of CPC seeking to transfer the RCOP to be tried along with the Original Suit.

2. The said Transfer Original Petition was not even numbered and the Registry in the Principal District Court, Salem, had raised an objection regarding maintainability. The learned Principal District Judge, Salem, had concurred with the objections raised by the Registry and rejected the unnumbered Transfer Original Petition.

3. Among other reasons, it had been pointed out by the learned Principal District Judge that the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 as amended, is a self contained Act, and the Rent Controller has been separately defined under Section 2(3) of the Act. A judicial officer has to be designated to act as Rent Controller and in the absence of such designation or notification, the judicial officer cannot function as a Rent Controller. This is a fact, which is inherent to the



functioning of both the Rent Controller and the Rent Control Appellate Authority.

4. The learned II Additional Sub Judge, Salem is never designated to act as a Rent Controller. Therefore, he can never examine the issues raised in the Rent Control Original Petition.

5. It is thus seen that transfer of two separate species of cases to be heard together cannot be done and it is not possible. The learned Principal District Judge, Salem, also opined on the very same line and I would not interfere with the findings of the learned Principal District Judge, Salem.

6. With the above observations, the present Civil Revision Petition is dismissed. No costs.

15.02.2022

Internet: Yes/No

Index: Yes/No

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To

The Principal District Court, Salem.



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C.V.KARTHIKEYAN, J.

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