



WEB COPY

C.R.P.No.4296 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4296 of 2022 and
C.M.P.No.22599 of 2022

Ms.Intermed

A Partnership firm Rep. by

1. Ajay K.Mehta
2. Paresh K.Mehta
3. Geetha P.Mehta
4. Sonal A.Mehta

.. Petitioners

vs

G.Azariah

.. Respondent

Prayer: Petition filed under Article 227 of the Constitution of India praying to set aside the order dated 17.11.2022 made in review petition S.R.No.8726 of 2022 in R.L.T.O.P.No.34 of 2021 dated 17.11.2022 on the file of the Principal District Munsif Cum Rent Court at Poonamallee and allow this revision petition.

For Petitioner : Mr.P.Gunaraj

For Respondent : Mr.N.Nagu Sah



ORDER

WEB COPY

The civil revision petition has been filed against the order of dismissal passed in Revision Petition Sr.No.8726 of 2022 in R.L.T.O.P.No.34 of 2021 dated 17.11.2022.

2. The revision petitioners are admittedly tenants and the respondent is the land lord, who instituted eviction proceedings under the Tamil Nadu Act 42 / 2017.

3. The Rent Court adjudicated the issues and allowed the petition filed by the respondent land lord and ordered for an eviction.

4. The revision petitioners filed a review petition before the Rent Court, merely on the ground that the revision petitioner is a factory, registered under the Factories Act, 1948, which is exempted under Section 2(f) of the Tamil Nadu Regulation of Rights and Responsibilities of the Landlords and Tenants Act, 2017.

5. The learned counsel for the petitioner states that the definition of



“premises” has been narrated, wherein, the premises registered under the Factories Act, 1948 is exempted. Thus, the petitioner Factory is not amenable to the jurisdiction of the Rent Court under the new Act and therefore, the revision petitioners filed a review petition to review the order of eviction passed by the Rent Court.

6. The Rent Court considered the review petition on the maintainability and found that the said ground / issue was raised by the respondent land lord in the R.L.T.O.P proceedings. When such a jurisdiction ground was not raised before the Rent Court, the same cannot be raised by way of a review application and thus, formed an opinion that there is no error on the findings of the order for the purpose of invoking the power of review under Section 37 of the Tamil Nadu Act 42 / 2017.

7. The scope of review under the CRP is unduly limited. Only when there is an error assailed on record, the Court can review its own order. Grounds for appeal cannot be a ground to review the order.

8. In the present case, admittedly, the ground regarding the



jurisdiction was not raised by the respondent land lord in the rent control proceedings before the Rent Court. While so, the new ground raised in the review petition cannot be considered by the Rent Court in the present case since the order of eviction was passed by the Rent Court by following the procedures as contemplated under the Act.

9. The remedy of appeal is available to the revision petitioners. While so, filing a review application in the absence of any error on record is unnecessary. Therefore, the petitioners are at liberty to their right of appeal in the manner contemplated under the Act.

10. Accordingly, the civil revision petition is dismissed with the aforesaid liberty. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

23.12.2022

Index : Yes
Speaking order
drm



To

1. Principal District Munsif Cum Rent Court, Poonamallee.

WEB COPY

C.R.P.No.4296 of 2





WEB COPY

C.R.P.No.4296 of 2



S.M.SUBRAMANIAM, J.

(drm)

C.R.P.No.4296 of 2022 and
C.M.P.No.22599 of 2022

23.12.2022