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CRP No.1466 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

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THE HONOURABLE Dr.JUSTICE **D.NAGARJUN**

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and

CMP.No.9734 of 2023

1. Lakshmid devi Agarwal
C/o.Amit Transport Corporation,
Corporate Office,
No.1305, Agarwal Corporate Heights,
Plot No.A-7, Netaji Subash Place,
Pitampura, New Delhi-110 034.
2. Lakshmid devi Agarwal
C/o.Amit Transport Corporation,
No.49, Moore Street, New India Building,
Second Line Beach,
Chennai-600 001.

... Petitioners

-Vs-

Young Men's Indian Association
represented by its Honorary Secretary
having its registered office at
No.49, Moore Street, New India Building,
Second Line Beach, Chennai-600 001.

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order dated 19.01.2023 passed in the Memo, petitioners in RCA No.169/2019 pending on the file of the VIII Small



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Causes Court, Chennai.

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For Petitioners : Mr.S.Baskaran

ORDER

Heard the learned counsel for the revision petitioners. Perused the records.

2. This Civil Revision Petition is filed by the tenants aggrieved by the orders passed on 19.01.2023 in RCA.No.169 of 2019 on the file of the VII Small Causes Court, Chennai.

3. The respondent/landlord has filed RCOP No.1237 of 2014 for fixation of rent on the file of XI Small Causes Court, Chennai. The petitioners/tenants have taken the specific plea that a person who signed lease agreement on behalf of the landlord is not authorised, thereby sought for dismissal of the RCOP, however, the Trial Court has not considered the same and RCOP No.1237 of 2014 was allowed. Aggrieved the said orders, the petitioners preferred Appeal in RCA No.169 of 2019 on the file of the VII Small Causes Court, Chennai. Even in the grounds of appeal also, the



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petitioners/tenants have taken stand that the person, who has signed on behalf of respondent/landlord has no authority to execute rent agreement.

The petitioners/tenants have filed a memo before the Appellate Tribunal on 08.08.2022 seeking for a direction to the respondent/landlord to file the Resolution appointing one Prabhakaran as General Secretary. Learned Tribunal has passed impugned orders dated 19.01.2023 holding that the respondent/landlord being a juristic person can be represented by its Secretary and since Secretary himself has filed the vakalat, the objections raised by the petitioners/tenants were rejected.

4. It is the submission of the counsel for the petitioner that unless there is a resolution authorising Secretary, he cannot execute any document including rent agreement. In order to consider the plea of the petitioner by laws of the respondent association also required to be looked into. During the course of final hearing of RCA No.169 of 2019, the petitioners can make their submissions as all the grounds including the grounds of the revision. It is for the respondent/landlord to make out a case that the person who signed the lease agreement is authorised to do so. Further, a direction to produce a document cannot grant on the basis of a memo.



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Dr.D.NAGARJUN, J.

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5. In view of the above, this Civil Revision Petition is disposed of, with an observation that Revision petitioner can take all the pleas taken in this petition before the Appellate Tribunal. The Appellate Tribunal is directed to consider the pleas raised by the revision petitioners in impugned memo and dispose of the appeal as per law. There shall be no order as to costs. Consequently, connected CMP is also closed.

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To

1. The VII Small Causes Court,
Chennai.

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