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C.R.P.No.922 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28/4/2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Civil Revision Petition No.922 of 2023

a n d

C.M.P.No.6875 of 2023

Mobeen Begum

...

Petitioner

Vs

Prabha Raj

...

Respondent

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the Docket Order, dated 4/3/2023 passed in M.P.No.7 of 2022 in RLTOP No.198 of 2021 on the file of XI Small Causes Court, Chennai.

For Petitioner

...

Mr.Hussaini Basha

For Respondents

...

Mr.G.Kalyan Chand Jhabakh
for M/s.Surana & Surana.

ORDER

This Civil Revision Petition is filed, aggrieved by the orders passed in M.P.No.7 of 2022 in R.L.T.O.P.No.198 of 2021 on the file of learned XI Small Causes Court, Chennai.



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2. The facts in brief as from the records are as follows:-

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The respondent has filed R.L.T.O.P.No.198 of 2021 against the petitioner, under Section 21 (2) (b) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, through her Power Agent by name Preetam Surana. At the time of filing of R.L.T.O.P.No.198 of 2021, respondent has filed an application, in M.P.No.1 of 2021 before the Rent Control Court, Chennai and got permission to represent the respondent through Power of Attorney.

3. During the pendency of petition, petitioner has filed C.R.P.No.3483 of 2022 to set aside the docket order, dated 4/3/2021, passed in M.P.No.1 of 2021. Vide, order, dated 10/11/2022, this Court had disposed of the said Civil Revision Petition, with a direction to the petitioner to approach the Rent Control Court, perceiving the order, dated 4/3/2021, made in M.P.No.1 of 2021. Accordingly, the petitioner has filed M.P.No.7 of 2022, before the Court of XI Small Causes, Chennai, for a direction to recall the order, dated 4/3/2021 made in M.P.No.1 of 2021, permitting Mr.Preetam Surana to represent Mrs.Prabha Raj. The said application was ultimately dismissed on



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4/3/2023. Aggrieved by the same, the present Civil Revision Petition is filed.

4. Heard Mr.Hussaini Basha, learned counsel for the petitioner and Mr.G.Kalyan Chand Jhabak, learned counsel for the respondent.

5. Perused the materials available on record.

6. The learned counsel appearing for the revision petitioner submitted that in M.P.No.1 of 2021, the respondent has mentioned that her Power Agent is residing at Door No.3/13 Anna Avenue, Bakthavatchalam Nagar, Chennai, which would clearly indicate that the Power of Attorney filed by the respondent is fake and therefore, sought for recalling the order passed in M.P.No.1 of 2021.

7. Learned counsel appearing for the respondent has vehemently submitted that instead of typing 13, Anna Avenue, Bakthavatsalam Nagar, Adyar, Chennai 600 020, by mistake, it has been typed as 3 (13), Anna Avenue, Bhakthavatsalam Nagar, Adyar, Chennai 600 020.



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8. The respondent has filed a petition in M.P.No.1 of 2022, praying the Court to permit the Power Agent Preetam Surana, to represent her case. As per the address shown, the respondent is residing in Florida, USA, whereas, her Power Agent Mr.Preetham Surana is residing in Chennai. The respondent has taken permission of the Court by enclosing a copy of the Power of Attorney to give permission to the respondent to be represented by Power Agent and the same was allowed.

9. The petitioner herein is totally a third party. Whether the Power of Attorney holder has been properly discharging his duties or not; Whether the Power of Attorney has been properly executed or not; in which address he is residing etc., are the questions which are connected with the respondent, who stated to have executed Power of Attorney. The petitioner herein, who is a tenant is no way connected with execution of Power of Attorney by the respondent Prabha Raj in favour of Preetam Surana.

10. As per the Power of Attorney, it is mentioned that Prabharaj shown as residing at No.3 (13), Anna Avenue, Bhakthavatchalam Nagar, Adyar, Chennai. However, in the counter filed by the respondent, it is



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mentioned that inadvertently it is mentioned as 3 (13), Anna Avenue, Bhakthavatsalam Nagar, Adyar, Chennai 600 020, instead of 13, Anna Avenue, Bakthavatsalam Nagar, Adyar, Chennai 600 020. It is a typographical error. Nothing is placed on record by the respondent to show that fraud has been played on the respondent by the power Agent. There are no disputes inter se between the petitioner and Power Agent, viz., Preetam Surana. In view of the above, trial Court has rightly dismissed the petition and therefore, the Civil Revision Petition cannot be entertained.

11. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

28/4/2023

Index :yes/no

Neutral Citation: Yes/No

mvs.

To

XI Small Causes Court, Chennai.



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Dr.D.NAGARJUN,J
mvs.

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