



C.R.P.Nos.2764 & 2765 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos.2764 & 2765 of 2022

and

C.M.P.No.14552 of 2022

Alex Varghese

... Petitioner in
both C.R.P.s

-Vs-

1.Faritha Beevi
2.Rabica Beevi
3.Haj Mohamed
4.Inuljarina

Rep.by her Power Agent
Mr.Mohamed Mohideen

... Respondents in
both C.R.P.s

Prayer in C.R.P. No. 2764 of 2022 : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed in M.P. No.5 of 2021 in RCOP No.129 of 2018 pending on the file of the X Judge (Rent Controller), Court of Small Causes, Chennai dated 09.06.2022 and allow the C.R.P.



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Prayer in C.R.P. No. 2765 of 2022 : Civil Revision Petition is filed under

Article 227 of the Constitution of India, praying to set aside the order passed in M.P. No.4 of 2021 in RCOP No.129 of 2018 pending on the file of the X Judge (Rent Controller), Court of Small Causes, Chennai dated 09.06.2022 and allow the CRP.

For Petitioner in

both C.R.P.s : Mr.R.Raman Laal

For Respondents

in both C.R.P.s : Mr. G. Ravishankar

ORDER

Challenging the impugned order passed in M.P.Nos. 4 and 5 of 2021 in R.C.O.P.No.129 of 2018 passed by the learned X Judge (Rent Controller), Court of Small Causes, Chennai, the Revision Petitioner/tenant preferred this Civil Revision Petition.

2. The learned counsel for Revision Petitioner/tenant would submit that before the Rent Controller, he filed the petitions to reopen and to revoke the permission given by the learned Rent Controller dated 24.01.2018 in M.P.No.46 of 2017. Notice given to the respondents and they have also appeared and contested the case.

3. The learned counsel for Revision Petitioner would submit that a



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person, who is representing himself as power agent of respondents/landlord was examined as P.W.1 and he is not at all a power agent and the power petition relied by himself is not acceptable under law. Accordingly, he wanted to revoke the permission granted by the trial court in M.P.No. 46 of 2017. That petition was resisted by the respondents/landlord. On considering both side submissions, the learned Rent Controller held that the reasons stated by the revision petitioner/tenant that he is not having knowledge about the power petition, as such is not acceptable one and also made an observation that he has handed over the rent only to the respondent, thereby the learned Rent Controller had permitted the power agent to conduct the proceedings as the capacity of power agent under Order 3 Rule 2 of C.P.C. in M.P.No. 46 of 2017 as such is sustainable in law. Accordingly, the petition was dismissed. Challenging the said findings, the Revision Petitioner/tenant preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that a person, who claimed himself as power agent is not at all a power agent nor he is having valid power of attorney, however, he claimed himself as landlord. But, only on perusal of facts, he came to know about the same



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and during the pendency of proceedings, he filed the said petition to revoke the permission granted by the trial court on 24.01.2018, but the same was not considered by the learned Rent Controller. Hence, he prayed to set aside the findings of the trial judge.

5. By way of reply, the learned counsel for respondent would submit that the said petition was filed in the year of 2017 long back and in the counter objections itself, the tenant would have raised objections in respect of validity of power of attorney, besides in M.P.No. 46 of 2017, he filed his counter statement and thereafter, after cross-examination of P.W.1, only to drag on the proceedings, he filed the said petitions to revoke the permission granted by the learned Rent Controller, which is not acceptable one. Hence, he prayed to dismiss this Civil Revision Petition.

6. Considering the facts and circumstances of the case and on considering both side submissions, it would reveals that both parties adduced their evidence and now the case is posted for arguments, at this stage, the Revision Petitioner/tenant filed the said petition questioning the power of attorney. If at all, any such lacuna, he is entitled to raise his objections before the Rent Controller. Liberty is granted to him to fill up the lacuna by himself and time is granted to the Revision Petitioner for the



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period of two weeks to cross-examine P.W.1. Both parties are directed to cooperate with the trial proceedings and the Rent Controller is directed to proceed with the trial and dispose the case within a period of two months thereafter. Accordingly, these Civil Revision Petitions are disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

01.12.2023

Index : Yes/No

Speaking Order : Yes/No

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To

The X Judge (Rent Controller),
Court of Small Causes, Chennai



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T.V.THAMILSELVI, J.

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