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CRP(NPD).No.3866 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

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

CRP(NPD).No.3866 of 2023
and CMP.No.23872 of 2023

C.Suresh

...Petitioner

Vs.

N.Mohammed Ali (Deceased)

1. M.Balkees Beevi
2. M.Nishar Ahamed
3. M.Asan Fareeth
4. M.Mohamed Fareeth
5. P.Mahesh Raju alias P.Maheshwara Raju
6. M/s.Pedduraju and Company
Rep by its Proprietor Suresh
7. Rajendran
8. Venugopal
9. Murugan
10. Solai
11. C.Nagendra Raju

...Respondents



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PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 13.04.2023 passed in M.P.No.4 of 2022 in RLTOP.No.200 of 2019 by the learned X Court of Small Causes, Chennai.

For Petitioner : Mr.B.Aravind Srivatsa

For respondents : M/s.K.P.Ashok
Caveator

ORDER

This Civil Revision Petition has been filed to set aside the order dated 13.04.2023 passed by the learned X Court of Small Causes, Chennai, in M.P.No.4 of 2022 in RLTOP.No.200 of 2019.

2. Before the Rent Court, the landlord/Mohammed Ali has filed RLTOP.No.200 of 2019 for eviction against the respondents. Originally, the property was belongs to one C.Jaichander. After purchase, the petitioner/1st respondent herein is the absolute owner of the property. Further, there is no rental agreement between the erstwhile owner and the respondents and also there is no rental agreement between the petitioner and the respondents. The case was taken on file, notice issued to the respondents, some of the respondents have



appeared and 8th respondent/revision petitioner has not appeared and thereafter he was remained ex-parte. Hence, the Rent Court had allowed the petition only on the ground under Section 21(2)(a) of the Act i.e., for failure to enter into written tenancy agreement as contemplated under Section 4(2) of the Act and dismissed on the ground of wilful default under Section 21(2)(b) parted with possession under Section 21(2)(c), demolition and reconstruction 21(2)(e). Thereafter, the revision petitioner/R8 filed an application in M.P.No.4 of 2022 seeking to set aside the ex-parte order passed in RLTOP.No.200 of 2019 on 01.11.2022.

3. The said application was strongly objected by the landlord stating that notice was duly served on the 8th respondent in the month of November/December 2019 in spite of notice but the petitioner/8th respondent has not appeared, Hence, he prayed to dismiss the application. On considering the both side submission, the Rent Court passed an order stating that proper notice was served on the 8th respondent in spite of notice, he has not appeared. Hence, the 8th respondent remained exparte.



4. Challenging the same, the revision petitioner/8th respondent has filed this Civil Revision Petition.

5. The learned counsel for the revision petitioner submitted that the revision petitioner was unable to appear on the date of first hearing, therefore, he was exparte. He further submitted that the trial court ought to have taken steps to issue summons to the revision petitioner/8th respondent but without giving proper opportunity to the revision petitioner, the trial Court has passed an order of eviction which is erroneous one. Hence, he prayed to allow this Civil Revision Petition.

6. The learned counsel for the caveator submitted that the rent Court has issued a notice to the revision petitioner, however, he has not appeared on the date of hearing. He further submitted that till date the rent was not been paid. Hence, the trial Court has rightly appreciated and dismissed the application.

7. On perusal of the records, it reveals that proper notice has been served on the revision petitioner but he has not appeared. Further, all these years, he has not paid the rent. Hence, the trial Court has rightly appreciated the facts and



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dismissed the application, which needs no interference by this Court.

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8. In the result, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

20.10.2023

Speaking / Non Speaking order

Neutral Citation : Yes/No

Index : Yes/No

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To

1. The learned X Court of Small Causes, Chennai.

2. The Section Officer,
VR Section,
High Court of Madras.



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T.V.THAMILSELVI.J.

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