



C.R.P.(PD).No.1807 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.1807 of 2019

M/s.Bank of Baroda
Rep. By its Branch Manager,
1-2, Katpadi Road,
Vellore – 632 004.

(Now known as M/s.Bank of Baroda memo dated 18.07.2022
vide Court order dated 19.07.2022 by JNBJ made in
CRP.No.1807 of 2019 in CMP.No.11859 of 2019 by JNBJ).

... Petitioner

vs.

L.Satish

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the judgment and decree in I.A.No.156 of 2018 in RCA.No.18 of 2014 dated 24.01.2019 by the Rent Control Appellate Tribunal Vellore, (Principal Subordinate Judge's Court, Vellore) by allowing this Civil Revision Petition.

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For Petitioner : Mr.G.Vinudharani
For Respondent : Mr.Avinash Wadwani
for M/s.V.Srimathi
for sole respondent

ORDER

The Civil Revision Petition is filed challenging the order passed by the learned Rent Control Appellate Authority, dismissing the review application filed by the petitioner.

2. The review application was dismissed by the Court below on the ground that it was filed out of time and also on the ground that the Officer who passed the original order was transferred.

3. The learned counsel appearing for the petitioner submitted that the transfer of officer who passed the original order may not be a ground to dismiss the review application. The learned counsel further submitted that the review application is presented out of time, the Court below ought to have returned the review application giving an opportunity to the petitioner to



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represent the same with condonation of delay petition.

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4. The learned counsel appearing for the respondent by relying on the judgment of this Court in ***Dosky Machado Vs. Francis Gomes reported in 97 LW 224*** submitted that authorities Court constituted under the Tamil Nadu Building (Lease and Rent Control Act, 1960) has no power of review. Though this Court is not satisfied with the reason given by the learned Rent Control Appellate Authority for dismissing the review application filed by the petitioner, as per the law laid down by the Division Bench of this Court in ***Dosky Machado Vs. Francis Gomes reported in 97 LW 224***, the Courts constituted under Rent Control Act has no power of review. In the above said judgment, the Division Bench of this Court held that power of review is not inherent and the same cannot be exercised unless it is conferred on the Court which created it. A perusal of Section 23 of Tamil Nadu Building (Lease and Rent Control Act, 1960) read with Rule 15 of rules framed under the same Act would make it clear that separate procedure is prescribed for the Appellate Authority constituted under the Act. Hence regular CPC is not applicable for proceedings before Rent Controller as well as appellate authority. There is no provision in the Rent Control Act,



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enabling the Rent Control Appellate Authority to exercise review jurisdiction.

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5. In such circumstances, the review application filed by the petitioner is not at all maintainable and consequently I agree with the final conclusion of the Court below on different reasonings.

6. Accordingly, the Civil Revision Petition is dismissed. No costs.

13.02.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The Rent Control Appellate Tribunal Vellore,
(Principal Subordinate Judge's Court, Vellore.



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S.SOUNTHAR, J.

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