



C.R.P.No.1520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.R.P.No.1520 of 2023

and

C.M.P.No.10016 of 2023

Dhanalakshmi
W/o.G.Swaminathan

... Petitioner

Vs.

1. Vijayakumar

2. Vinothkumar

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India against the order of the learned Judge of the Rent Controller-I, Puducherry in E.A.No.117 of 2022 in R.C.E.P.No.03 of 2017 dated 12.01.2023.



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For Petitioner : Mr.S.Namasivayam

ORDER

This civil revision petition is filed to set aside the order dated 12.01.2023 in E.A.No.117 of 2022 in R.C.E.P.No.03 of 2017 on the file of the Rent Controller-I, Puducherry.

2. The petitioner is the landlord and the respondents are tenants. The petitioner filed H.R.C.O.P.No.64 of 2014 before the Rent Controller - I, Puducherry for eviction on the ground of wilful default. Since the respondents did not pay the arrears of rent, H.R.C.O.P.No.64 of 2014 was allowed on 22.11.2016 directing the respondents to vacate the premises and hand over the same within a period of two months from the date of order. As the respondents did not hand over the vacant possession to the petitioner as decreed by the Rent Controller - I, Puducherry, the petitioner filed R.C.E.P.No.03 of 2017 and the said execution petition was allowed. The



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respondents herein preferred an appeal in R.C.A.No.15 of 2017 which also came to be dismissed as not pressed. Thereafter, the petitioner had filed attachment batta in R.C.E.P.No.03 of 2017 and then only the petitioner came to know that in the original rental agreement between the petitioner and the respondents, the schedule of property has been mistakenly entered as R.S.No.182/5 instead of R.S.No.181/9. Hence, the petitioner filed an application in E.A.No.116 of 2019 in R.C.E.P.No.03 of 2017 to amend the petition in R.C.E.P.No.03 of 2017 and the same was allowed on 26.08.2021. Consequently, the decree in E.P.No.03 of 2017 dated 09.04.2019 should also be amended so that the petitioner can enjoy the fruits of the decree. Hence, the petitioner filed an application to amend the decree in E.P.No.03 of 2017 by incorporating the R.S. number in the schedule of property as 181/9 instead of 182/5. The Rent Controller, Puducherry by order dated 12.01.2023 in E.A.No.117 of 2022 in R.E.C.P.No.03 of 2017 had dismissed the application on the ground that such amendment cannot be done under Section 152 of Cr.P.C. Hence, the present civil revision petition has been filed.



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3. The learned counsel appearing for the petitioner on instructions submits that the petitioner had filed an application to amend H.R.C.O.P.No.64 of 2014 and it has been numbered as I.A.No.349 of 2023, which is now pending.

4. Recording the same, this Civil Revision Petition is disposed of with a direction to the Court below to dispose of I.A.No.349 of 2023, i.e., amendment petition filed by the petitioner within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

The Rent Controller-I,
Puducherry .



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V.SIVAGNANAM, J.

vji

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and
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