



WEB COPY



C.R.P.No.3542 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3542 of 2024
and C.M.P.No.19174 of 2024

R.P.R.Raghavan (Died)

R.Ponraj Ashok

... Petitioner

Vs

Narasimhan

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to direct the Sub Court, Alandur, to number and hear the review application in Review Sr.No.1820 of 2023 filed on 24.02.2023 in R.C.A.No.12 of 2021 on the file of the Sub Court, Alandur.

For Petitioner : Mr.T.Easwaradhas

ORDER

The Criminal Revision Petition has been filed seeking to issue direction to the Sub Court, Alandur, to number and hear the review application in Review Sr.No.1820 of 2023 filed on 24.02.2023 in R.C.A.No.12 of 2021.



C.R.P.No.3542 of 2024

WEB COPY

2. Learned counsel for the petitioner submitted that the petitioner is the tenant and respondent is the landlord. The Respondent has filed a petition in R.C.O.P.No.9 of 2010 before the learned Principal District Munsif cum Rent Controller, Alandur, on the ground of willful default and owner's occupation. The learned Judge had ordered eviction on 01.08.2016, against which, the petitioner herein had preferred an appeal in R.C.A.No.15 of 2016 before the Sub Court, Tambaram and later, it was transferred to the file of the Subordinate Court, Alandur and renumbered as R.C.A.No.12 of 2021. He further submitted that the petitioner had been regularly paying the rent except the rents for the months of April 2015 and April 2016 which were deposited on re-opening of Court during June 2015 and June 2016. Thereby, the petitioner had not committed any default, whereas, the appellate Court, without considering the same, had committed an apparent error in its Judgment dated 21.11.2022 stating that the petitioner has committed willful default. Thereby, the petitioner had filed a review application in SR.No.18203 of 2023 against the order passed by the appellate Court in R.C.A.No.12 of 2021. He further submitted that the review application was filed only to correct the factual error, whereas, the appellate Court has not taken up the



C.R.P.No.3542 of 2024

application and it is kept pending without any orders being passed from 24.02.2023. Hence, the present Civil Revision Petition has been filed.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. It is seen from the records that the RCOP No.9 of 2010 filed by the respondent/landlord was decreed by the trial Court on 01.08.2016 and the appeal filed against the said order by the petitioner was dismissed by the appellate Court on 22.11.2022 stating that the petitioner/tenant had committed willful default and the respondent/landlord has also proved the fact of requirement of the demised premises by the landlord on the ground of own use is a bonafide one. Thereafter, the review application has been filed by the petitioner seeking to review the judgment passed in R.C.A.No.12 of 2021 on 21.11.2022 and correct the apparent errors in the judgment, whereas, the review application is still pending from the date of filing i.e., on 24.02.2023. This Court is of the view that the appellate Court cannot keep the application pending without hearing the petitioner and passing orders on merits. The appellate Court ought to have taken the application on file



C.R.P.No.3542 of 2024

and decide the matter on merits.

WEB COPY

5. In view of the above, the Civil Revision Petition stands disposed of with a direction to the learned Sub Judge, Alandur, to take the review application in SR.No.1820 of 2023 on file within **a week** from the date of receipt of copy of this order and after affording opportunity to both the parties, shall pass appropriate order on merits in accordance with law, within a period of **two weeks** thereafter. Conquently, the connected Civil Miscellaneous Petition is also closed. No costs.

30.08.2024

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
ham

To

The Sub Court, Alandur.



WEB COPY



C.R.P.No.3542 of 2024

A.D.JAGADISH CHANDIRA, J.
ham

***C.R.P.No.3542 of 2024
and C.M.P.No.19174 of 2024***

30.08.2024