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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Review Application No.195 of 2023

in

C.R.P (PD) No.677 of 2014

Mrs. A.Rama Thulasi

... Petitioner

vs.

1. The Estate Officer
Executive Engineer
Chennai Central Division V
CPWD, K.K.Nagar
Chennai - 600 078
2. The Superintending Engineer
Bangalore Central Electrical Division II
CPWD, Ground Floor, F - Wing
Kendriya Sadan
Karamangala, Bangalore- 560 034
3. A.Venkateswara Rao
Asst. Engineer (E)
Bangalore Central Electrical Division _ II
CPWD, Ground Floor, F - Wing
Kendriya Sadan
Karamangala, Bangalore- 560 034
4. The Superintending Engineer
CCC-II, CPWD
Shastri Bhawan
Haddows Road, Chennai - 600 006

..Respondents



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Review Application filed under Section 114 and Order XLVII Rule 1 r/w Section 151 of CPC against the order passed in C.R.P (PD) No.677 of 2014 dated 25.08.2023 filed against the order passed by the Principal Judge, City Civil Court in M.P.No.1202 of 2012 in C.M.A.No.83 of 2012.

For Appellant : A.Ramatulasi
Party-in-person

For Respondents : Mr.K.S.Jayaganeshan for R1, R2 and R4
Mr.T.Y.Sekar for R3

ORDER

This review has been filed to review the order passed by this Court in C.R.P (PD) No.677 of 2014 dated 25.08.2023.

2. C.R.P (PD) No.677 of 2014 was preferred against C.M.P.No.1202 of 2012 in C.M.A.No.83 of 2012. C.M.P.No.1202 of 2012 is an application filed for stay of eviction pending disposal of C.MA.No.83 of 2012. C.M.A.No.83 of 2012 arises against the order passed for eviction under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.



WEB COPY 3. The petitioner Ramatulasi is the wife of A.Venkateswara Rao.

Venkateswara Rao was given accommodation by the Government of India while he was discharging duty in the Income Tax Department at Indira Nagar. Meanwhile, disputes arose between A.Venkateswara Rao and Ramatulasi. Subsequently, A.Venkateswara Rao was transferred from Chennai to Bangalore. On such transfer, a Government servant forfeits his right from retaining the property given to him as a service benefit. However, Mrs.Ramatulasi continue to reside in the property alleging that it is her matrimonial home.

4. Finding that the property had not been vacated, proceedings were initiated under the Public Premises Act by the first respondent herein. Eviction was ordered against which a Civil Miscellaneous Appeal was preferred in the year 2012 before the Principal Judge, City Civil Court, Chennai. Since the petitioner was only taking time to argue the Civil Miscellaneous Appeal, the then Principal Judge, City Civil Court, Chennai vacated the stay granted in C.M.P.No.1202 of 2012 on 11.02.2014.



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5. Against the order vacating the stay, C.R.P (PD) No.677 of 2014 had been filed. In the CRP, interim stay has been granted and the petitioner had been residing in the property for more than a decade. When the matter was listed before me, the party-in-person originally refused to argue the matter and she wanted the interim stay to continue for a further period of three years till her son completes his Engineering course. I accommodated the petitioner by granting her time to make submissions in the revision. After hearing both sides, I allowed the CRP and made the stay absolute. I also directed the Principal Judge, City Civil Court to take up the CMA and dispose of the appeal within a period of 8 weeks from the date of receipt of a copy of this order and in any event on or before 06.11.2023.

6. Though the CRP has been allowed in favour of the petitioner, the petitioner has filed this review as if she is a "person aggrieved". If the CRP filed by the petitioner is allowed, the person aggrieved can only be the respondents and not the petitioner.

7. Further, a report sent by the Principal Judge, City Civil Court, Chennai dated 18.12.2023 talks volumes about the manner in which the



petitioner seems to threatening the Judicial Officer as well as the staff.

Before the Principal Judge as well as before me, the review petitioner has made it clear that she will not argue the appeal.

8. One of the grounds on which she has refused to argue the CMA is that this review is pending. This review could not be taken up from October of 2023 till January of 2024 because I was sitting in Madurai. On resuming my duty at Chennai, it came to my notice that a review has been filed by a successful party and on that basis, the appeal pending before the Principal Judge, City Civil Court is being dragged on. Therefore, I directed the office to list the review for hearing.

9. The review was listed on 30.01.2024. Though the name of the review petitioner was printed in the cause list, she did not appear and in order to give one more opportunity, I posted the matter on 01.02.2024. Even on that day, the review petitioner did not appear. Therefore, I posted the matter on 02.02.2024. On 02.02.2024, I directed Mr.K.S.Jayaganeshan, to serve notice on the review petitioner stating that the matter will be taken up for hearing on 05.02.2024. I should add that the review petitioner is a legally qualified person who is a practising lawyer in this Court. It was only after the personal notice was served, the



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petitioner is present before this Court today. Even today, she was not willing to argue the matter and on query, as to how she is a "person aggrieved" when her CRP has been allowed, she had no reply and said she wanted to argue the matter pending before the Family Court before this review. In this review, I feel the dispute between the husband and wife is not germane. The entire idea of the review petitioner is to some how or the other keep the pot boiling and get the matter adjourned thereby continue with possession of the Government's property.

10. Having been successful before this Court, it does not lie in the mouth of the review petitioner to seek for a review. Under Order XLVII Rule 1 of CPC in order to seek a review, a person must be a person aggrieved by the order. As I allowed the revision, Mrs.Ramatulasi cannot be considered as a person aggrieved. Therefore, this review petition is dismissed.

11. The learned Principal Judge, City Civil Court, Chennai shall hear the appeal on 06.02.2024. Mrs.Ramatulasi submits that applications are pending. The applications may be taken up along with the appeal and disposed of. The appeal should be disposed of on or before 12.02.2024 and a copy of the judgment must be submitted along with the report of compliance to this Court.



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12. In fine, the review application is dismissed. It is made clear that in case Mrs.A.Ramatulasi, whose arguments have been closed before the lower Appellate Court, intends to make submissions, she may do so but on the pretext of making arguments, she cannot drag on the matter. The Principal Judge, City Civil Court, Chennai shall comply with the directions passed in this order and submit a report as aforesaid on or before 12.02.2024. No costs.

05.02.2024

Index:Yes/No

Neutral Citation:Yes/No

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Note to Office:

i) Upload forthwith

ii) Post the matter under the caption “FOR REPORTING COMPLIANCE” on 12.02.2024.

To

1. The Principal Judge
City Civil Court, Chennai



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V. LAKSHMINARAYANAN, J.

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in
C.R.P (PD) No.677 of 2014

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