



C.R.P.No.1504 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.1504 of 2025

1. P.S.Jayabal
2. R.J.Ramesh

... Petitioners

Vs

Geetha

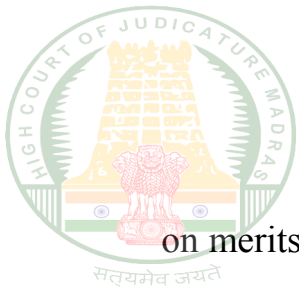
... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to set aside the docket order dated 18.02.2025 in un-numbered I.A.No. of 2024 in RCA.No.4 of 2024 on the file of the Rent Control Appellate Authority (Principal Sub-Judge), Salem and direct to number the case and decide the case on merits.

For Petitioner : Mr.D.Ashok Kumar

ORDER

This Civil Revision Petition has been filed seeking to set aside the docket order passed by the learned Principal Sub-Judge, Rent Control Appellate Authority, Salem, in un-numbered I.A.No.....of 2024 in RCA.No.4 of 2024 on 18.02.2025 and to direct the learned Judge to number the case and decide the case



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on merits.

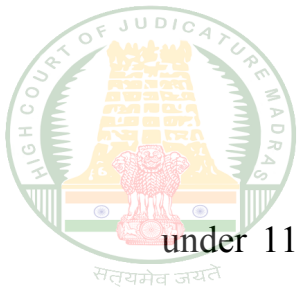
WEB COPY 2. The brief facts of the case are as follows :-

2.1. The petitioners, who claim to be the landlords, have filed RCOP No.41 of 2016 against the respondent, who is the daughter of the 1st petitioner and the sister of the 2nd petitioner, before the learned II Additional District Munsif cum Rent Controller, Salem, on the ground of willful default of payment of rent and on the ground of requirement of lease property for personal occupation of the petitioners.

2.2. The Rent Controller, finding that a partition suit was pending between the parties in O.S.No.4 of 2017 on the file of the II Additional District Court, Salem, had dismissed RCOP No.41 of 2016 on 18.07.2024 holding that without adjudication of the title of the petition mentioned property and the status of the respective parties, the alleged issues of default of payment of rent and need for personal occupation cannot be adjudicated by the Court.

2.3. Against the dismissal order dated 18.07.2016, the petitioners had preferred an appeal before the Rent Control Appellate Authority, Salem in RCA.No.4 of 2024.

2.4. In RCA.No.4 of 2024, the petitioners have filed an application



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under 11(4) of Tamil Nadu Building Lease and Rent Control Act, seeking for a

direction to the respondent to pay the arrears of rent which amounts to Rs.2,46,000/- for the period between March 2011 and January 2025 (after deducting the advance amount of Rs.4500/-, whereas, the Appellate Court had returned the application on 18.02.2025 with an endorsement “Petitioners herein defeated in RCOP as dismissed then how this petition is maintainable? Hence returned.” Challenging the same, the present Civil Revision Petition has been filed.

3. Learned counsel appearing for the petitioners submitted that the order of the appellate Court returning the petition without numbering the same is against law. He further submitted that the Rent Controller failed to take into consideration the jural relationship of the parties and despite the admission of the respondent that the place, where she is residing for rent is in the name of the first petitioner, had dismissed the petition. He also submitted that in Fore Noon, the appellate Court had directed the petitioner to give a copy to the other side and based on that, a copy was also served on the other side, however, subsequently, the petition has been returned as not maintainable. Therefore, he prayed to set aside the order of



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return made in un-numbered I.A.No.....of 2024 in RCA.No.4 of 2024.

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4. Heard the learned counsel appearing for the petitioner and perused the materials available on record. Since the revision petition is filed against the order of return, the notice to the respondent is dispensed with.

5. On perusal of record, this Court finds that the petition has been returned without numbering when especially in the Fore Noon session, a direction was issued to serve copy on the other side. Therefore, this Court, without going into the merits of the case, inclined to allow the revision petition.

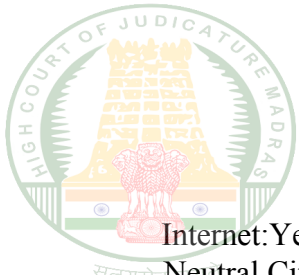
6. Accordingly, this Civil Revision Petition stands allowed and the order of return made by the Rent Control Appellate Authority (Principal Sub-Judge), Salem, in unnumbered I.A.No.....of 2024 in RCA.No.4 of 2024 on 18.02.2025 is hereby set aside and the learned Rent Control Appellate Authority (Principal Sub-Judge), Salem, is directed to number the application filed by the petitioners and pass orders on merits in accordance with law. No costs.

15.04.2025

Note : Registry is directed to return the original papers to the counsel for the petitioners forthwith after substituting the same with a xerox copy.

Index: Yes/No

Speaking/Non-speaking order



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Internet:Yes

Neutral Citation:Yes/No

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To

1. The Rent Control Appellate Authority (Principal Sub-Judge),
Salem.
2. The Section Officer,
VR Section, High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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