

P. R. Krishnamachari

Vs

Lalitha Ammal

Civil Appeal No. 1532 of 1978

(A. P. Sen, V. B. Eradi JJ)

24.02.1987

ORDER

1. The short point raised in this appeal is whether the High Court was justified in interfering with the concurrent findings of fact reached by the courts below under Section 25 of the Tamil Nadu Buildings (Rent and Control) Act, 1963. The power conferred on the High Court under Section 25 of the Act may not be as narrow as the revisional power under Section 115 of the Code of Civil Procedure. But this Court had occasion to define the scope and extent of the revisional power of the High Court under the said section in the case of M/s Sri Raja Lakshmi Dyeing Works v. Rangaswamy Chettiar. This Court has held that the power conferred on the High Court under Section 25 of the Act is essentially of a supervisory nature, as it may call for the records of the courts below with a view to determine only the legality and propriety of the orders passed. In the facts and circumstances of the present case, that test is not obviously fulfilled. There is no discussion at all in the judgment, which, we are sorry to say, is rather perfunctory. We are constrained to set aside the judgment of the High Court and remit the revision petition for rehearing. Accordingly, the appeal succeeds and is allowed and the judgment and order passed by the High Court are set aside. The revision petition is remanded to the High Court for disposal afresh according to law. The High Court will endeavour to dispose of the civil revision petition expeditiously and in any event, not later than four months from today. It would be open to the parties to raise such contentions as are available to them, including the effect of subsequent events, if any.

2. No costs.

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