

**In Re: K. Radhakrishnan**

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**Court :** Chennai

**Decided On :** Jan-10-1950

**Reported in :** AIR1950Mad443

**Judge :** Rajamannar, C.J. and ; Somasundaram, J.

**Acts :** Madras Buildings (Lease and Rent Control) Act, 1946 - Sections 12(3) and 12(4)

**Appeal No. :** Civil Misc. Petn. No. 171 of 1950

**Appellant :** In Re: K. Radhakrishnan

**Advocate for Pet/Ap. :** P. Venkatachari, Adv.

**Disposition :** Application dismissed

**Judgement :**

Rajamannar, C.J.

1. This is an application to issue a writ of certiorari to quash the order of the appellate authority passed under Madras ACT XV of 1946 dismissing the appeal of the petitioner. The order has not been filed, but in the affidavit it is stated to be as follows : 'Appellant called, absent. Dismissed.' It is contended on behalf of the petitioner that though the appellant was not present either in person or by advocate, it was incumbent on the appellate authority to have decided the appeal

and the provisions of Section 12 (3) of the Act are relied on. In our opinion, when neither the appellant nor his advocate appeared to show how the Rent Controller erred and it was not shown that the decision of the Rent Controller was in any way erroneous, the appellate authority had no other course but to dismiss the appeal. The dismissal of the appeal in such circumstances is nevertheless a decision of the appeal. There is no ground for interference by certiorari. The application is dismissed.

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