**BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL (TNREAT)**

(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)

(Under the Real Estate Regulation And Development Act 2016)

**DATED 16-11-2022**

**Coram : Mr.Justice M.Duraiswamy, Chairperson**
**Ms.Leena Nair, Administrative Member**
**Mr.R.Padmanabhan, Judicial Member**

**A.No.38 of 2022**

M/s. Shanmugam Foundation Pvt. Ltd.,
Rep. by its Director A.V.Ramasamy ... Appellant

- Vs –

R.Kokilam ... Respondent

This appeal is filed U/s 44(1) of the Real Estate (Regulation and Development) Act 2016 as against the Order passed by Single Member Bench, attached to Tamil Nadu Real Estate Regulatory Authority in I.A.(SR)No.181/2022 in C.C.P.No.35/2021 dated 29.04.2022.

This appeal was taken on file on 02.09.2022 and came up for hearing today in the presence M/s. K.Chandrasekaran and V.Bhuvaneswari,



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Counsels for appellant. Having heard the learned counsel for the appellant, this Tribunal delivered the following:

**ORDER**

Appeal No.38/2022 has been filed by the respondent in C.C.P No.35/2021 on the file of Tamil Nadu Real Estate Regulatory Authority (TNRERA), Chennai. The respondent herein filed the complaint in C.C.P.No.35/2021 before the TNRERA and in the said complaint the appellant herein filed an application in I.A.(SR).No.181/2022 under Order VIII Rule 1-A(3) of CPC seeking to file additional documents. The application was heard by the Regulatory Authority and the same was dismissed on 29.04.2022. Thereafter, the amended copy of the order was issued to the appellant on 14.06.2022. The appellant filed the appeal on 11.07.2022 and after filing of the appeal since there was some mistake in the Cause Title, the same was amended by the TNRERA on 19.07.2022. Subsequently, the appellant argued the complaint in C.C.P.No.35/2021 before the TNRERA in the month of August 2022 and the TNRERA reserved the matter for orders.

It is brought to the notice of this Tribunal that the TNRERA has not passed the order till today.

When the appellant had already argued the complaint before the TNRERA the order passed in the interim application in I.A.(SR). No.181/2022 shall merge with the order to be passed in CCP No. 35/2021. In the event of the appellant not succeeding in the compliant before the TNRERA they can always raise the issue of dismissal of the application in

IA.(SR).No.181/2022 as a ground in the appeal that may be filed challenging the order passed by TNRERA, if so advised. When the TNRERA had reserved the matter for orders, we are of the considered view that there will not be any purpose in passing orders in the interim application when the order passed in the Interlocutory Application will merge with the order to be passed in the complaint.

In such view of the matter, we are not inclined to entertain the appeal. Accordingly the appeal is dismissed at the stage of admission itself. No costs.

**Sd/- xxxx**
**CHAIRPERSON**

**Sd/- xxxx**
**ADMNINISTRATIVE MEMBER**

**Sd/- xxxx**
**JUDICIAL MEMBER**

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