



CRP No. 2087 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 2087 of 2025
AND
CMP NO. 12184 OF 2025**

M.Ganapathy

..Petitioner

Vs

1. D.Rajasekar
2. R.Maheswari

..Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order of dismissal dated 07.04.2025 passed in M.P.No.3/2024 in R.L.T.O.P.No.305/2022 on the file of the XI Small Causes Court, Chennai.

For Petitioner:	Mr.G.Chandrasekaran
For Respondents:	Ms.B.Aparna Sundar

ORDER

This Civil Revision Petition has been filed challenging the impugned order, dated 07.04.2025 passed by the XI Small Causes Court, Chennai in M.P.No.3 of 2024 in R.L.T.O.P.No.305 of 2022.



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2. The petitioner is the tenant and the respondents are the landlords.

The respondents have filed R.L.T.O.P.No.305 of 2022 against the petitioner seeking eviction. During the pendency of the said RLTOP, M.P.No.3 of 2024 was filed by the petitioner seeking to summon and examine the 2nd respondent, who is the wife of the 1st respondent as a witness. Under the impugned order, the said MP filed by the petitioner has been dismissed by the trial court on the ground that there is no necessity for the petitioner to examine the 2nd respondent as a witness and it is for the petitioner to prove that the document claimed by the petitioner to have been executed by the 2nd respondent is a genuine document.

3. Admittedly, the petitioner has been permitted to cross-examine the witness of the respondents. The 1st respondent has already been examined as a witness in support of the petitioner's case for eviction. The 1st respondent has also been cross-examined by the petitioner's counsel. At this stage, the petitioner has chosen to file M.P.No.3 of 2024 seeking to summon and examine the 2nd respondent as a witness.



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4. Learned counsel for the respondents also relies upon the following authorities in respect of her contention that a party cannot summon the opposite party as a witness :-

(i) ***Kalliyara Estates Pvt. Ltd. Vs. State of Kerala & Ors.*** reported in ***2011 SCC OnLine Ker 3878***;

(ii) ***Kaliaperumal Vs. Pankajavalli & 2 Ors.*** reported in ***1991 1 L.W. 660***.

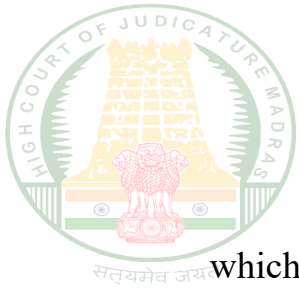
5. In both the aforesaid decisions, the High Court of Kerala as well as the High Court of Madras has held that a party cannot compel the opposite party to be examined as a witness. Learned counsel for the respondents also relies upon the alleged agreement said to have been executed by the 2nd respondent in favour of the petitioner dated 01.04.2019. She would submit that on the face of it, it can be conclusively established that the said document is a fabricated document as the date of the stamp paper is post dated from the date of the alleged agreement.



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6. This Court is not expressing any opinion on the merits of the respondents' contentions before this Court. However, as seen from the decision relied upon by the learned counsel for the respondents, it is clear that a party cannot compel the opposite party to be examined as a witness. Admittedly, the petitioner is seeking cross-examination of the 2nd respondent as a witness. Admittedly, the 2nd respondent is the wife of the 1st respondent and is a party to the said RLTOP. The ground raised by the petitioner in this revision can very well be raised by the petitioner at the time of arguments in the RLTOP. In fact, even though the RLTOP is a summary proceedings, the petitioner has been granted permission to cross-examine the respondents' witness. RLTOP proceedings has to be disposed of as expeditiously as possible. In fact, the legislation also provides for a time frame within which RLTOP proceedings has to be disposed of. Therefore, the question of interfering with the impugned order through this revision does not arise.

7. For the foregoing reasons, this Court is not interfering with the impugned order. Accordingly, the Civil Revision Petition is dismissed. However, liberty is granted to the petitioner to raise all contentions,



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which includes the grounds raised in this revision at the time of final arguments in R.L.T.O.P.No.305 of 2022. The interim stay earlier granted by this Court shall stand vacated. No costs. Consequently, the connected miscellaneous petition is closed.

01-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

The XI Small Causes Court, Chennai.



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ABDUL QUDDHOSE J.

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