

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2015.

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1606 of 2015 &
M.P.No.1 of 2015

1.Anwar Sheriff
2.Akber Sheriff
3.Rahmat Sheriff

... Petitioners

v.

1.S.E.Mohammed Rizwanullah
2.Kahkashan Anjum
3.Mohamed Faizullah

... Respondents

Civil Revision Petition filed under section 227 of the Constitution of India against the fair and decreetal order dated 26.3.2014 made in M.P. No.119 of 2015 in R.C.O.P.No.1856 of 2013 on the file of 10th Judge, Court of Small Causes, Chennai.

For Petitioners : Mr.A.Sirajudeen

For Respondents : Mr.Dhamodaran
Caveator

ORDER

Challenging the fair and final order passed in M.P. No.119 of 2015 in R.C.O.P.No.1856 of 2013 on the file of 10th Judge, Court of Small Causes, Chennai, the tenants have filed the above Civil Revision Petition.

2. The respondents-landlord filed the Original Petition in R.C.O.P. No.1856 of 2013 for eviction on the ground of willful default and also on other grounds. The tenants filed their counter and are contesting the Original Petition. In the said R.C.O.P., the tenants filed an application under Order 18 Rule 4(2) of C.P.C., to pass an order recording the evidence of their brother, viz., Munvar Sheriff through video conferencing. The said application was contested by the landlord. The Rent Controller, after taking into consideration the case of both the parties, dismissed the application. Aggrieved over the same, the tenants have the above Civil Revision Petition.

3. When the Civil Revision Petition is taken up for hearing, A.Sirajudeen learned counsel appearing for the petitioner submitted that the witness, viz., Munvar Sheriff, is in United Kingdom and that he would be returning to India in the 3rd week of June 2015. Therefore, the learned counsel submitted that the Rent Controller may be directed to list the RCOP for hearing in the 3rd week of June 2015.

4. Mr.Dhamodaran, learned counsel appearing for the respondents-landlord also submitted that in the case of the petitioners-tenants filing a memo before the Rent Controller seeking for adjournment to 3rd week of June 2015, he would agree for the same and make suitable endorsement to that effect in the memo itself.

5. In view of the representation made by the learned counsel one either side, the Civil Revision Petition is dismissed with liberty to the petitioners to file a memo before the Rent Controller seeking for adjournment of the Original Petition in R.C.O.P.No.1856 of 2013 to 3rd week of June 2015. Since the RCOP is pending from 2013, I direct the 10th Judge, Small Causes Court, Chennai to dispose of the Original Petition in R.C.O.P.No.1856 of 2013 on merits and in accordance with law, or or before 31.07.2015. Consequently, connected miscellaneous petition is closed. No costs.

28.04.2015.

Index : No
Internet : Yes

Rj

To

The 10th Judge,
Court of Small Causes,
Chennai.

M. DURAISWAMY,J.,

C.R.P.(PD)No.1606 of 2015 &
M.P.No.1 of 2015

28.04.2015