

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.194 OF 2015
AND M.P.NO.1 OF 2015

Sanjay Mehta

... Petitioner

Vs.

K.Vinoth

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed in M.P.No.638 of 2014 in R.C.O.P.No.2333 of 2013 pending on the file of the XI Small Causes Judge at Chennai dated 20.11.2014.

For Petitioner : Mr.K.Gnanasundaram

ORDER

This Civil Revision Petition is directed against the order dated 20.11.2014 passed in M.P.No.638 of 2014 in R.C.O.P.No.2333 of 2013 by the learned Rent Controller / XI Judge, Small Causes Court, Chennai.

2.The respondent/landlord filed the petition for eviction against the petitioner under Section 10(2)(i) and 10(3)(a)(iii) of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960. The respondent / landlord also filed a petition in M.P.No.638 of 2014 to mark additional documents. After contest, the petition was allowed by the Rent Controller on 20.11.2014 on payment of cost of Rs.1000/- to be paid to the petitioner on or before 30.11.2014. The respondent sent the cost by way of demand draft to the petitioner and a xerox copy of the demand draft was also sent to the counsel for the petitioner. Though the postal authorities intimated the letter, the petitioner did not receive the same and the original demand draft was returned to the counsel for the respondent.

3.When the case was taken up for hearing on 01.12.2014, the counsel for the respondent informed that the conditional order was complied with and they also produced the proof of sending the demand draft to the petitioner. The learned Rent Controller accepted the same and allowed the application and also permitted the landlord to lead further evidence.

4.The petitioner subsequently filed an application to eschew the evidence of P.W.1 taken on 01.12.2014. The said application is still pending.

5.The petitioner has challenged the order passed in M.P.No.638 of 2014 only on the ground that the conditional order was not complied with by the respondent. It is seen from the records that the respondent had sent the cost by way of demand draft to the petitioner. However, it was not received by the petitioner. In the above circumstances, I do not find any illegality in the order impugned in this Civil Revision Petition.

6.In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.02.2015

Index : Yes/No
Internet : Yes/No
TK

To

The XI Judge
Small Causes Court
Chennai.

K.KALYANASUNDARAM, J.

TK

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