

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.09.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.(PD)No.3649 of 2015 &

M.P.No.1 of 2015

1.Suseela

2.Prabhadevi @ Priya

... Petitioners

v.

K.J.Sivakumar

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 05.11.2013 passed in I.A.No.72 of 2013 in R.C.O.P.No.7 of 2011 on the file of the Rent Controller, Udhagamandalam .

For Petitioner : Mr.S.Rajkumar

ORDER

The revision petitioners are the respondents in R.C.O.P.No.7 of 2011 on the file of Rent Controller, Udhagamandalam. The said RCOP was filed by the respondent-landlord under section 10((2)(i) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

2. According to the respondent-landlord, the revision petitioners committed willful default in payment of rent.

3. The respondent filed I.A.No.154 of 2011 in R.C.O.P.No.7 of 2011 under section 11 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, seeking a direction to the revision petitioners to pay arrears of rent being Rs.77,600/-, as the amount due from 1.7.2003 to 31.07.2011, at the rate of Rs.800/- per month till the rent control proceedings are terminated, failing which, to pass an order to stop all further proceedings in the rent control petition.

4. In the said I.A.No.154 of 2011, the respondent-landlord examined him as P.W.1 and Exs.P1 to P6 were marked.

5. While so, the revision petitioners filed I.A.No.26 of 2012 in I.A.No.154 of 2011 in R.C.O.P.No.7 of 2010 to send the alleged acknowledgment of arrears of rent to the Forensic Science Laboratory at Chennai for expert opinion to verify the signatures found in Ex.P1 and ExP3 as the same were not made by the deceased-husband of the 1st revision petitioner.

6. The Rent Controller allowed the application in I.A.No.26 of 2012 and the alleged documents, viz., Exs.P1 and P3 were sent to the Forensic Science Department, Chennai for getting the opinion of the Forensic Science Department. The Deputy Director (Documents), Forensic Science Department addressed a letter dated 12.10.2012 to the Rent Controller to produce the contemporaneous signatures of the deceased Balasubramaniam for comparison of the signatures found in Exs.P1 and P3. The said letter from the Forensic Science Department was received on 16.10.2012. The Rent Controller granted time to the revision petitioners from 16.10.2012 to 27.3.2013 for producing the comparable signatures. Since the comparable signatures were not produced, by order dated 27.3.2013, the Rent Controller, dismissed the application for non compliance of the direction.

7. Thereafter, the revision petitioners filed I.A.No.72 of 2013 in I.A.No.154 of 2011 in R.C.O.P.No.7 of 2011 to condone the delay of 88 days in filing the restoration application.

8. By order dated 5.11.2013, the Rent Controller, dismissed the application in I.A.No.72 of 2013 in I.A.No.154 of 2011 in R.C.O.P.No.7 of 2011.

9. The Civil Revision Petition is against the aforesaid order.

10. Heard the learned counsel for the revision petitioners.

11. The learned counsel for the revision petitioners submitted that an opportunity to be provided to the revision petitioners to get the expert opinion for comparison of the signatures found in Exs.P1 and P3 by issuing appropriate directions in this civil revision petition.

12. I have considered the submissions made by the learned counsel for the petitioners .

13. The Trial Court found that though time was given to the revision petitioners from 16.10.2012 to 27.3.2013 to produce the comparable signatures, the revision petitioners failed to produce the same. The Rent Controller further held that no valid reason is given for not producing the same. Though revision petitioners have stated that they were not able to get the comparable signature from the Central Bank of India, the Trial Court held that the revision petitioners could have produced the other documents such as sale deed, any other bank documents, vouchers, receipts and official letters during the year 2005-2006.

14. In these circumstances, the Trial Court thought it fit to reject the I.A.No.72 of 2013 in I.A.No.154 of 2011 in R.C.O.P.No.7 of 2011.

15. I do not find any infirmity in the order passed by the Rent Controller, Udhagamandalam . Hence, the Civil Revision Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.09.2015

Index : Yes/No

Rj

To

The Rent Controller,
Udhagamandalam

D.HARIPARANTHAMAN,J.,
Rj

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