

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(PD).No.4303 of 2015
and M.P.No.1 of 2015

Anandaraj

.. Petitioner

Vs.

Ashok kumar

.. Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 01.09.2015 in I.A.No.31 of 2015 in R.C.O.P.No.5 of 2014 on the file of the Rent Controller (District Munsif), Nagapattinam.

For Petitioner : Ms.N.Subha

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 01.09.2015 in I.A.No.31 of 2015 in R.C.O.P.No.5 of 2014 on the file of the Rent Controller (District

Munsif), Nagapattinam.

2.The respondent/land lord filed an eviction petition for eviction on the ground of wilful default and owner's occupation stating that there is no rental agreement between him and the tenant/revision petitioner herein. During pendency of the said petition, the revision petitioner herein has filed an application in I.A.No.31 of 2015 stating that there is a rental agreement between them and the same was marked as Ex.A1 in O.S.No.279 of 2013 and hence, he prayed that document to be sent for from the concerned trial Court. The trial Court, after hearing both sides, dismissed the application stating that the revision petitioner may very well obtain a certified copy of the said Ex.A1 and file it before the Court, against which, the present revision petition has been preferred.

3.At the time of admission, argument of the learned counsel for the revision petitioner is heard in length.

4.On perusal of the typed set of papers, it reveals that the

respondent/landlord has filed an eviction petition only on the ground of wilful default and owner's occupation. The only point to be decided is that the document/Ex.A1 now the revision petitioner sought to be sent for is necessary to be sent for or he can obtain the certified copy of the same from the trial Court and file it before the Court to prove that there was a rental agreement between the petitioner/tenant and respondent/landlord.

5. According to the learned counsel for the petitioner, O.S.No.279 of 2013 has already been disposed of. Under such circumstances, the revision petitioner can take back the original document viz., Ex.A1 and file it before the trial Court. In my view, the revision petitioner has come forward with such application only to drag on the proceedings and further, as a tenant, he does not want to vacate the premises. The trial Court considered all the aspects in proper perspective in para-9 and 10 of its order and came to the correct conclusion. Therefore, the order passed by the trial Court does not suffer any illegality or infirmity and hence, I do not find any merits in this petition. The civil revision petition deserves to be dismissed and it is hereby dismissed.

6.In the result, the Civil Revision Petition stands dismissed with costs. It is left open to the revision petitioner to take back the original document viz., Ex.A1 in O.S.No.279 of 2013 and file it before the trial Court. Consequently, connected Miscellaneous Petition is closed.

05.11.2015

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To

The Rent Controller (District Munsif), Nagapattinam.

R.MALA,J.

Kj

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