

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.485 OF 2015

G.K.Harihara Rajan

... Petitioner

Vs.

Niamathullah

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 20.01.2015 passed in M.P.No.8 of 2015 in R.C.O.P.No.875 of 2008 by the XI Small Causes Court, Chennai, declining to recall PW-1 for cross examination.

For Petitioner : Mr.G.K.Harihara Rajan
Party in person

For Respondent : Mr.S.Veeraraghavan

ORDER

This Civil Revision Petition is directed against the order dated 20.01.2015 passed in M.P.No.8 of 2015 in R.C.O.P.No.875 of 2008 by the learned XI Judge, Small Causes Court, Chennai.

2.The petitioner/tenant is the respondent in R.C.O.P.No.875 of 2008, which was filed by the respondent/landlord seeking eviction on the ground of wilful default. The petitioner filed the petition in M.P.No.8 of 2015 to recall P.W.1 for further cross examination. In the affidavit filed in support of the petition, the petitioner has stated that P.W.2, who is the son of the respondent, on 22 occasions had given answers stating that his father alone knows the facts. The petition was opposed by the respondent by filing a detailed counter affidavit. The learned Rent Controller dismissed the petition on 20.01.2015. Aggrieved by the order, the present Civil Revision Petition is filed.

3.Mr.G.K.Harihara Rajan, the petitioner, who appeared in person, has submitted that he should be given opportunity to cross examine P.W.1 only in respect of the answers elicited from P.W.2. The petitioner reiterated the grounds stated in the petition for recalling P.W.1.

4.Per contra, the learned counsel for the respondent has submitted that the petition in M.P.No.8 of 2015 was filed to prolong the litigation.

5.Considering the facts, I am of the view that the petitioner has not made out grounds to recall P.W.1 and the learned Rent Controller rightly dismissed the petition. Hence, this Civil Revision Petition is dismissed. No costs.

05.02.2015

Index : Yes/No
Internet : Yes/No
Note : *Issue order copy on 06.02.2015*
TK

To

The XI Judge
Small Causes Court
Chennai.

K.KALYANASUNDARAM, J.

TK

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