

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.1174 of 2016

&

C.M.P.No.6415 of 2016

N.K.Selvaraj

... Petitioner

vs.

M.Nirmala

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 24.11.2015 made in I.A.No.18 of 2015 in R.C.O.P.No.2 of 2015 on the file of the Court of the Principal District Munsif, Villupuram.

For Petitioner : Mr.T.Dhanasekaran

For Respondent : Mr.Ilanthiraiyan for

M/s.Sai,Bharath and Ilan

ORDER

This revision under Article 227 of the Constitution of India has been filed by the petitioner herein, who claims to be a tenant in respect of the petition premises. He has filed R.C.O.P.No.2 of 2015, which is pending on the file of the Rent Controller (PDM), Villupuram

under Section 8(5) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 for an order permitting him to deposit the rent into the Court since the respondent herein refused to receive the rent.

2. The respondent has entered appearance through counsel. The submissions made on both sides are heard.

3. The R.C.O.P is being resisted by the respondent contending that there is no jural relationship of landlord and tenant between the respondent and the petitioner herein. In order to substantiate his contention that he was recognised as a tenant in respect of the petition premises under the respondent herein, the petitioner wanted to produce a xerox copy of the lease deed allegedly executed between the petitioner and the respondent with the further contention that the original is with the respondent.

4. The learned Rent Controller, after hearing, has chosen to dismiss the said application on the ground that the document sought to be produced as secondary evidence of the lease deed was a xerox copy and notice to produce the original was not served on the respondent as contemplated under Section 66 of the Evidence Act. In

fact, the strict rule of evidence shall not be applicable to the summary proceedings under the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. Even otherwise, the learned Rent Controller has chosen to pass an adverse order against the revision petitioner solely on the ground that notice to produce the original was not given to the opposite party as contemplated under Section 66 of the Evidence Act.

5. In view of the same, this Court is of the view that there is no substance in the revision filed under Article 227 of the Constitution of India.

6. Learned counsel for the petitioner also submits that the petitioner will be satisfied if it is observed that the petitioner can seek to prove the contents of the lease deed by adducing secondary evidence after issuing notice to produce the original as contemplated under Section 66 of the Evidence Act.

7. Learned counsel for the respondent also submits that the respondent does not have any objection for granting such a leave to the petitioner.

P.R.SHIVAKUMAR.J

srn

8. Accordingly, the Civil Revision Petition is dismissed. However, the petitioner shall be at liberty to adduce secondary evidence regarding the contents of the lease deed relied on by him after serving notice on the respondent to produce the original. No costs. Consequently, the connected miscellaneous petition is closed.

12.04.2016

Index: Yes/No
Internet: yes/No

srn

To

The Principal District Munsif,
Villupuram.

C.R.P (PD) No.1174 of 2016
&
C.M.P.No.6415 of 2016