

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(P.D.) No.1187 of 2016 and
CMP.No.6500 of 2016

Syed Meeran Mohammed Hussainy

... Petitioner

Vs.

S.Babu

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 25.02.2016 passed in M.P.No.47 of 2015 in RCOP.No.239 of 2014 on the file of the Rent Controller (the XVI Small Causes Court), Chennai.

For Petitioner : Mr.S.Sathiaseelan

For Respondents : Mr.S.S.Swaminathan

ORDER

The respondent initiated proceedings in RCOP.No.239 of 2014 before the Rent Controller/XVI Small Causes Court, Chennai, invoking Section 8(5) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

2. Before the Trial Court, the respondent marked a document as per Ex.P1, which is a Statement of Accounts, issued by the State Bank of India,

Royapettah, Chennai. The petitioner, thereafter filed an application to issue subpoena to the Manager, State Bank of India, Royapettah Branch and the Manager, Union Bank of India, Triplicane Branch, to verify as to how, the accounts were opened by the respondent. The application was dismissed by the Trial Court. The said order is under challenge in this Civil Revision Petition.

3. When it was pointed out to the learned counsel for the respondent, as to whether, the respondent would rely on the address shown in the pass books issued by the banks to show that he is in possession of the property, the learned counsel took time to file an affidavit.

4. The respondent, thereafter has filed an affidavit dated 30 September 2016, wherein, it was indicated that he would not use the pass book issued by the Union Bank of India, Triplicane and the State Bank of India, Royapettah as a piece of evidence to demonstrate that he is in possession of the premises bearing Old No.16, New No.149, Jani Jan Khan Road, Royapettah, Chennai-600 014.

5. The petitioner filed an application in M.P.No.47 of 2015 with a grievance that the respondent opened accounts showing the address of his premises without his knowledge or consent. The petitioner apprehended

that the respondent would use the address shown in the bank accounts as a piece of evidence to demonstrate that he is in possession of the premises in question, and as such, there is a tenancy. The respondent has now made it very clear that he would not use the bank pass books for the purpose of proving that he is in possession of the premises in question. In view of the affidavit filed by the respondent dated 30 September 2016, there is no basis for the apprehension raised by the petitioner.

6. The learned Trial Judge is directed not to rely on the evidence with regard to the possession of the premises in question on the strength of the bank pass books issued by the Union Bank of India, Triplicane and State Bank of India, Royapettah. In short, the address shown in the pass books should not be used as a piece of evidence to prove that the respondent is in possession of the premises in question.

7. The order passed by the learned Trial Judge dated 25.02.2016 in M.P.No.47 of 2015 is modified.

8. The Civil Revision Petition is disposed of with the above observation. No Costs. Consequently, connected Miscellaneous Petition is closed.

04.10.2016

rm/syki

Index : Yes/No

K.K.SASIDHARAN,J.

rm

To

The Rent Controller (the XVI Small Causes Court),
Chennai.

C.R.P.(P.D.) No.1187 of 2016

