

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

C.R.P.(PD) No.2313 of 2016
and CMP.No.11926 of 2016

N.Vijaya Ragavan

... Petitioner

Vs.

V.Alagarsamy

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against fair and decreetal order dated 21.03.2016 in MP.No.48 of 2016 in RCOP.No.237 of 2014 on the file of the X Court of Small Causes, Chennai.

For Petitioner : Mr.Raja Saravanan

ORDER

This revision arises against the order of learned Judge, X Court of Small Causes, Chennai, passed in M.P.No.48 of 2016 in RCOP.No.237 of 2014 on 21.03.2016.

2.Respondent/landlord filed R.C.O.P.No.237 of 2014 on the

file of X Small Causes Court, Chennai, seeking eviction. Respondent moved M.P.No.48 of 2016 towards reopening his chief examination towards marking certain documents. Such petition was allowed under the impugned order. Aggrieved, petitioner/tenant filed this revision.

3.Heard learned counsel for petitioner.

4.In allowing the petition, learned Rent Controller has permitted recall of respondent/landlord evidence towards marking of documents. The purpose of marking such documents is to establish respondent/landlord's intention to carry on business in the tenanted premises, he having sought an order of eviction informing that he required the same for his own use.

5.Learned Rent Controller, despite objections of the petitioner/tenant to the effect that the respondent/landlord's contention of not having able to access the documents due to heavy rains resulting in damage of building being false and producing photographs, towards informing that the building is in such solid state and would not suffer any damage during rains,

allowed the miscellaneous petition, following the judgments of this Court to the effect that in cases of present nature, some leniency should be given to the parties and also imposed cost on the respondent/landlord. This Court finds no error in the order under challenge.

6.The Civil Revision Petition is dismissed. However, considering that the RCOP is of the year 2014, the learned Rent Controller is directed to dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

22.08.2016

Index:yes/no
Internet:yes

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To

The X Court of Small Causes, Chennai.

C.T.SELVAM, J

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22.08.2016.