

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) NO.2948 OF 2016
AND CMP NO.14947 OF 2016

V.Kalarani

... Petitioner

Versus

1.S.Santhakumar

2.S.Jayakumar

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 22.01.2016 passed in M.P.No.692 of 2015 in M.P.No.357 of 2015 in RCOP No.268 of 2015 on the file of the XIII Judge, Small Causes Court, Chennai.

For Petitioner : Mr.V.Subramani
For Respondent : Mr.K.S.Madhavan

ORDER

The respondents filed an application under Section 10(2)(i) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1969, in RCOP No.268 of 2015. The application was opposed by the petitioner by filing counter.

2. In the meantime, the petitioner filed an application in

M.P.No.692 of 2015 to reopen the matter for the purpose of tendering evidence. The application was dismissed by the Trial Court primarily on the ground that it was only to delay the proceedings. The said order is now under challenge in this Civil Revision Petition.

3. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

4. The learned Trial Judge dismissed the application with an observation that being a summary proceedings, there is no need to adduce evidence by the parties.

5. The petitioner wanted to be examined as a witness in M.P.No.357 of 2015 only to explain the rent payable by her and certain incidental matters relating to the construction of the superstructure.

6. It is true that the petitioner was given sufficient time earlier to prove her case. After hearing the learned counsel for the parties and on a perusal of the order impugned in this Civil Revision Petition, I am of the view that opportunity should be given to the petitioner to examine herself as a witness in M.P.No.357 of 2015.

7. The matter is now posted before the Trial Court on

14.11.2016. The learned Trial Judge is directed to permit the petitioner to examine her as a witness in M.P.No.357 of 2015 on 14.11.2016. The petitioner shall be present before the Trial Court for such examination on 14.11.2016. The respondents shall complete the cross examination on 14.11.2016. In case the petitioner fails to appear on 14 November 2016, it is open to the Trial Court to close the application and post the matter for arguments. In any case, the application in M.P.No.357 of 2015 shall be disposed of by the Trial Court, as expeditiously as possible, and preferably by 30 November 2016. The order dated 22.01.2016 in M.P.No.692 of 2015 is set aside.

8. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected civil miscellaneous petition is closed.

09.11.2016

Note: Issue order copy by 10.11.2016

TK

K.K.SASIDHARAN, J.

To

The XIII Judge
Small Causes Court
Chennai.

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