

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.3056 of 2016 and
CMP.No.15474 of 2016

Jacquiline

...Petitioner

versus

Magui @ Magui Fleury

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decree passed in I.A.No.463 of 2016 in RCOP No.49 of 2013 dated 20.06.2016 by the Rent Controller II at Pondicherry.

For Petitioner : Mr.B.Baskaran

For Respondent : Mr.M.Sankar

ORDER

The petitioner is the respondent in RCOP No.49 of 2013. The petitioner filed an application in I.A.No.463 of 2016 before the Trial Court alleging that the respondent fabricated the records and as such, she is liable to be prosecuted. The application was dismissed by the learned Trial Judge with an observation that it would be decided after hearing the arguments. Feeling aggrieved, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent on caveat.

3. The petitioner filed interlocutory application in I.A.No.463 of 2016 on allegation that the respondent committed acts of forgery and she is liable to be punished.

4. The learned Trial Judge has got an option either to take evidence in the said application or to keep the matter pending to be taken along with the main rent control original proceedings. The learned Judge has passed a strange order by dismissing the application with an observation that the issue would be decided after hearing arguments. Once an application is dismissed, there is nothing to be heard thereafter. The learned Judge, ought to have kept the application pending, if he is of the view that the matter requires appraisal of evidence. I am therefore of the view that the learned Trial Judge was not correct in dismissing the application.

5. In the result, the order dated 20.06.2016 is set aside. The application in I.A.No.463 of 2016 is restored to file. The learned Judge

is directed to consider the application on merits and as per law along with the rent control original proceedings.

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

30.09.2016

Index:Yes/No
svki

To

The Rent Controller II, Pondicherry

K.K.SASIDHARAN, J.
(svki)

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