

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.11.2016
CORAM**

The Hon'ble Mr.Justice K.K.Sasidharan

**C.R.P.(PD)No.3127 of 2016 and
C.M.P.No.15884 of 2016**

K.Annamalai ...Petitioner

Vs.

P.Vijayalakshmi ... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, passed in M.P.No.94 of 2016, in R.C.O.P.No.1629 of 2014, dated 30.03.2016, on the file of the XI Court of Small Causes, Chennai.

For Petitioner : Mr.P.B.Balaji
For Respondent : Mr.P.Subba Reddy

ORDER

The respondent initiated proceedings in R.C.O.P.No.1629 of 2014, against the petitioner for fixing fair rent.

2. Before the trial Court, the petitioner filed a Miscellaneous Petition in M.P.No.94 of 2016, to impound the Lease Agreement, marked as

Ex.P.1, on the ground that, being a document, the period of which exceeds 11 months, it should have been registered compulsorily. The petitioner, therefore, wanted to impound the Lease Agreement, Ex.P.1. The Application was opposed by the respondent, by filing counter.

3. The learned trial Judge dismissed the Petition primarily on the ground that even without the said document, it would enable the Court to take up the matter for fixing the fair rent. The said Order is under challenge in this Civil Revision Petition.

4. The learned counsel appearing on behalf of the petitioner contended that the lease period was mentioned as 10 years in the agreement, and as such, the trial Court was not correct in dismissing the Application.

5. The learned counsel for the respondent, on the other hand, submitted that, the respondent herein, in his counter affidavit, very clearly admitted the jural relationship. According to the learned counsel, even without Ex.P.1, the petitioner would be in a position to plead and prove before the trial Court with regard to the claim for fixing fair rent.

6. When a question was put to the learned counsel for the respondent as to whether he wanted Ex.P.1, to be retained on file, the learned counsel submitted that he is not relying on Ex.P.1, and the same could be eschewed from evidence. The document marked as Ex.P.1 is admittedly an unregistered document. In view of the background facts and taking into account the submission made by the learned counsel for the respondent, the document, marked as Ex.P.1 is eschewed from evidence.

7. The trial Court is directed to consider the matter on the basis of the available materials, without reference to Ex.P.1, which is now eschewed from evidence.

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

23.11.2016

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Index : Yes/No

To

The XI Court of Small Causes,
Chennai.

K.K.Sasidharan,J.,

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