

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2016

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

CRP (PD) No.321 of 2016

and

C.M.P.No.1720 of 2016

T.Balan
S/o.Bappu
Having Office at First Floor,
No.6, Wallace Garden 3rd Street,
Chennai - 600 006.

... Revision
Petitioner/Tenant

..VS..

P.Usha
Rep. By POA Mrs.B.Ruppa
W/o.Mr.B.Krishna Mohan
No.4, Wallace Garden 3rd Street,
Chennai - 600 006.

... Respondent / Landlord

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 17.11.2015 made in M.P.No.439 of 2015 in R.C.O.P.No.499 of 2014 by the X Small Causes Court, Chennai.

For Revision Petitioner : Mr.N.Chandra Raj

For Respondent : Mr.P.Gunaraj

ORDER

This Civil Revision Petition has been filed by the Tenant/Revision

Petitioner herein, challenging the order of the Rent Controller (X Small Causes Court, Chennai), passed in M.P.No.439 of 2015 in R.C.O.P.No.499 of 2014, dated 17.11.2015, dismissing the petition filed by the Tenant/Revision Petitioner herein to eschew the documents, which were marked as Exs.P2 to P4 through R.W.1.

2. The witness has been examined on behalf of the landlord. Exs.P2 to P4 are stated to be the envelopes, (which was not opened before the Presiding Officer), which were bearing the endorsement of 'return' by postal department.

3. It is brought to the notice of the Court that the contents of documents were not brought to the knowledge of the witness, through whom it was marked. Expressing apprehension that the contents of Exs.P2 to P4 are likely to be relied upon by the lower Court, and that in the event of the same being done, it would cause prejudice to the tenant, those documents are sought to be eschewed. It is contended that those documents cannot be relied upon, excepting for the purpose of showing that Exs.P2 to P4-letters have been addressed to the tenant.

4. If Exs.P2 to P4-Envelopes are opened and the attention of the witness is drawn to the contents of the documents, only then, contents can be relied upon. The witness should have an opportunity to comment upon the contents of the documents, because, it is a letter returned and not received. Therefore, the contents of the documents will not be binding upon the tenant also, who is a party to the proceedings.

5. Accordingly, it is made clear that the evidentiary value of Exs.P2 to P4 should be considered by the Court below in an appropriate perspective. What is admitted by the witness is only the address, to which, the letter has been addressed and not the contents.

6. The Court below shall grant opportunity to the landlord to speak about the contents of Exs.P2 to P4 and an opportunity to the tenant to cross-examine the witness with reference to the contents. The Court below shall make an endeavor to dispose of the entire case preferably within a period of three months from the date of receipt of a copy of this order.

7. The Civil Revision Petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

10.02.2016

Index: Yes / No

Internet: Yes / No

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To

1. The X Small Causes Court,
Chennai.

S.VIMALA, J.

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