

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.11.2016**

CORAM:

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

C.R.P.(P.D.) Nos.3677 and 3678 of 2016 and
CMP.Nos.18664 and 18665 of 2016

K.Sivakumar

...Petitioner in both petitions

versus

1.T.M.T.Khadijath Nooriya

2.M.Anwar Hussain

3.M.Aishath Munawara

4.M.Aishath Najiya

5.M.Arshath Razeena

6.M.Authad

7.M.Aishath Lubaina

...Respondent in both petitions

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 09.03.2016 made in RCA Sr.Nos.17604 and 17598 of 2015 on the file of the learned VII Small Causes Court at Chennai confirming the order dated 01.06.2015 made in M.P.Nos.11 and 660 of 2014 in RCOP Nos.522 of 2014 and 1522 of 2013 respectively on the file of X Small Causes Court, Chennai.

For Petitioner : Mr.N.Manokaran

COMMON ORDER

The respondent in RCOP Nos.1522 of 2013 and 522 of 2014 on the file of Rent Controller, XVI Judge, Small Causes Court, Chennai, filed petitions before the Trial Court to send specimen signatures of the

respondents for comparison on allegation that some of the respondents have not signed the material papers. The Trial Court dismissed the applications. The order was taken up before the Appellate Authority. The Appellate Authority dismissed the appeals on the ground that the order would not come within the purview of Section 23(1)(b) of Tamil Nadu Buildings (Lease and Rent Control) Act. The orders are under challenge in these Civil Revision Petitions.

2. Heard the learned counsel for the petitioner.

3. The respondents initiated proceedings against the petitioner for eviction in RCOP Nos.1522 of 2013 and 522 of 2014. The petitioner, who is stated to be an Advocate resisted the aforesaid proceedings.

4. Before the Rent Controller, the petitioner filed interlocutory applications in M.P.Nos.11 and 660 of 2014 to send the specimen signatures of the respondents for expert opinion. The petitioner alleged that one of the respondents alone signed the Rent Control Original Petitions and as such, they have committed forgery. The petitioner, therefore wanted the Handwriting Expert to compare the signatures and give his opinion.

5. The respondents filed counter in M.P.Nos.11 and 660 of 2014 and opposed the applications. The respondents specifically denied the allegation that one of the petitioners in RCOP Nos.1522 and 522 of 2014 signed the material papers on behalf of other petitioners.

6. The learned Trial Judge dismissed the applications taking into account the statement made by the respondents herein that they have signed the material papers. Thereafter, the matter was taken up before the Appellate Authority. The Appellate Authority was of the view that the orders would not come within the purview of Section 23(1)(b) of Tamil Nadu Buildings (Lease and Rent Control) Act and dismissed the appeals.

7. The documents available on record clearly shows that the petitioner has been prolonging the matter under one pretext or the other. The petitioner initially engaged a counsel and resisted the eviction proceedings. He was set ex parte on 06.08.2014. Thereafter, he filed petition through another counsel. The petitioner also filed petition for transfer of the proceedings along with applications for verification of signatures. The Trial Court rightly dismissed the applications. The Appellate Authority was also correct in dismissing the

appeals. I do not find any error or illegality in the orders warranting interference by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

8. In the up shot, I dismiss the Civil Revision Petitions. No costs. Consequently, connected miscellaneous petitions are closed.

28.11.2016

Index : Yes/No
svki

To

- 1.The X Small Causes Court, Chennai.
- 2.VII Small Causes Court at Chennai

K.K.SASIDHARAN, J.

(svki)

C.R.P.(P.D.) Nos.3677 and 3678 of 2016

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