

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 18.02.2016**

**CORAM**

**THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR**

**C.R.P (PD) No.375 of 2016**

**&**

**C.M.P.No.2049 of 2016**

O.P.Modi

... Petitioner

vs.

1. K.Munuswamy

2.Rajeswari

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 07.12.2015 passed in M.P.No.151 of 2015 in R.C.O.P.No.44 of 2015 on the file of District Munsif Judge, Ambattur.

For Petitioner : Mr.C.Prasanna Venkatesh

For Respondent : Mr.S.T.Deiveegarajan

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**ORDER**

The respondent in an R.C.O.P before the District Munsif, Ambattur filed long back in 2005 is the petitioner herein. R.C.O.P.No.44 of 2005 came to be filed by the respondent herein/landlord for fixation of fair rent. An order fixing a fair rent came to be passed somewhere in 2010. On an appeal

preferred to the Appellate Authority, the order was set aside and the matter was remitted back to the Rent Controller for fresh disposal after appointing an Advocate Commissioner to inspect the petition premises and submit a report regarding its valuation. After remand, the tenant caused a delay of 5 years and came forward with a petition in M.P.No.151 of 2015 to reopen the respondent's side further evidence. The said petition came to be filed after evidence adduced on both sides were over and the matter stood listed for arguments. The learned Rent Controller (District Munsif, Ambattur) dismissed the said petition by an order dated 07.12.2015 holding that the petition was nothing but an attempt to prolong the case further. It is as against the said order, the present Civil Revision Petition has been filed.

2. The respondent/landlord, anticipating the filing of such a Civil Revision Petition, has filed a caveat and he has also been served with a notice. The respondent is represented by Mr.S.T.Deiveegarajan, learned counsel. The arguments advanced on both sides are heard.

3. The learned counsel for the respondent submits that the respondent is not having objection for allowing the Civil Revision Petition provided the Rent Controller is directed to dispose of the R.C.O.P within a time to be fixed by this court. The learned counsel for the petitioner submits that he is having only one witness to be examined.

4. Though the reason assigned by the petitioner may not be sufficient to interfere with the order of the Rent Controller, in view of the concession extended by the learned counsel for the respondent, this Court is of the view that the Civil Revision Petition can be allowed and the Rent Controller can be directed to dispose of the R.C.O.P within a period of 15 days from the date receipt of a copy of this order.

In the result, the Civil Revision Petition is allowed. The order of the Rent Controller dated 07.12.2015 made in M.P.No.151 of 2015 in R.C.O.P.No.44 of 2015 is set aside and M.P.No.151 of 2015 shall stand allowed. The petitioner herein/respondent in the R.C.O.P shall produce his witness for examination. The Rent Controller is directed to complete the enquiry and dispose of the R.C.O.P within 15 days from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

**17.02.2016**

Index: Yes/No  
Internet: yes/No  
gpa

To

The District Munsif Judge  
Ambattur

**P.R.SHIVAKUMAR.J.,**

gpa

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