

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.447 of 2016
and C.M.P.No.2301 of 2016

1. S.G.Sekar @ S.Gnanasekaran
2. G.Satish Das
3. G.Sandeep Das ... Petitioners

vs.

Shantha Bai ... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decree dated 26.08.2015 passed in M.P.No.96 of 2015 in R.C.O.P.No.1719 of 2012 on the file of XII Small Causes Court, Chennai.

For Petitioners : Mr.B.Nedunchezhiyan
For Respondent : Mr.G.Suryanarayanan

ORDER

The respondents in R.C.O.P.No.1719 of 2012 are the petitioners in the Civil Revision Petition. The respondent herein filed the said R.C.O.P for eviction on the ground of willful default, unauthorised subletting and denial of title. The enquiry commenced and the husband of the respondent herein was examined in part as PW-1. Thereafter, he could not appear and hence, the respondent herein,

who is the petitioner/landlord, in the above said R.C.O.P, filed M.P.No.96 of 2015 for appointment of an Advocate Commissioner to examine PW1, the husband of the respondent, at his residence.

2. The said application was allowed by the learned Rent Controller. As against the said order of the Rent Controller dated 26.08.2015, the present Civil Revision Petition has been filed.

3. The respondent has entered appearance through Counsel. Learned counsel for the respondent in the revision petition (landlord) submits that the husband of the respondent (PW-1) is ready to come to Court of the Rent Controller for making himself available for cross examination, provided the counsel for the revision petitioners undertakes to complete the cross examination on the same day. Learned counsel for the revision petitioners also submits that he gives such an undertaking on behalf of the revision petitioners. The said submissions made on both sides are recorded.

4. In view of the same, the Civil Revision Petition is allowed and the order of the Rent Controller dated 26.08.2015 made in M.P.No.96 of 2015 appointing a commissioner for examination of PW-1 is set aside. M.P.No.96 of 2015 in R.C.O.P.No.1719 of 2012 shall

stand modified as one of dismissal of the petition, with a direction that PW-1 should appear in the Court of the Rent Controller and his cross examination should be completed on the same day. The Rent Controller can fix a date for the appearance of PW-1, on which day, PW-1 shall appear and his cross examination shall be completed on the same day. No costs. Consequently, connected miscellaneous petition is closed.

20.04.2016

Index: Yes/No
Internet: yes/No

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To

The XII Small Causes Court,
Chennai.

P.R.SHIVAKUMAR.J

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