

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.5034 of 2016

ORDER:

The petitioner has come up with the above revision petition, challenging an order passed by the lower appellate Court, refusing to frame an additional issue.

2. Heard learned counsel for the petitioner.

3. The suit was filed by the respondents 1 to 3 herein for recovery of possession and for damages. The suit was dismissed on the ground that quit notice issued under Ex.A.1 was not valid. Aggrieved by the dismissal of their suit, the respondents have filed a regular first appeal. In the first appeal, the petitioner, who was the defendant, filed an application for framing an additional issue as to whether there was a dual relationship of landlord and tenant. The lower appellate Court rejected the application on the ground that repeatedly both before the suit and after the suit, the petitioner had offered to pay rent and that therefore it is too late in the day to raise an issue with regard to the jurel relationship.

4. The findings are unassailable. Therefore, the civil revision petition is dismissed. As sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

2nd December, 2016
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

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Date: 02-12-2016

Js.