

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1969 of 2017
& C.M.P.No.9530 of 2017

B. Natesan

.. Petitioner

Vs.

1. R.Shankar

2. R.Saravanan

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 19.04.2017 made in I.A.No.65 of 2016 in RCOP No.15 of 2011 on the file of the learned Rent Controller, Coonoor and permit the petitioner to recall and cross examine P.W.1.

For Petitioner : Mr.K.F.Manavalan

ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 19.04.2017 made in I.A.No.65 of 2016 in R.C.O.P. No.15 of 2011 on the file of the learned Rent Controller,

Coonoor and permit the petitioner to recall and cross examine P.W.1.

2. The petitioner-tenant is the respondent in R.C.O.P.No.15 of 2011 filed by the respondents herein for the eviction of the ground of additional accommodation. The petitioner filed counter and is contesting the R.C.O.P. Trial commenced. Evidence were let in by both the parties and their witnesses were cross examined. The petitioner, at that stage, filed I.A.No.65 of 2016 to recall P.W.1 for further cross examination in respect of the notice and reply marked as Ex.P3 and Ex.P4.

3. The respondents filed counter and opposed the said application on the ground that there is no provision for recalling witness in the Tamil Nadu Buildings (Lease and Rent Control) Act and Civil Procedure Code is also not applicable to the present case. The petitioner sent Ex.P4 reply and admitted in cross examination about the contents in the Ex.P3 and Ex.P4 and prayed for dismissal of the said application.

4. The learned Judge on considering the averments in the affidavit, counter affidavit and materials available on record, dismissed the application.

5. Against the order of dismissal dated 19.04.2017 made in I.A.No.65 of 2016 in R.C.O.P. No.15 of 2011 on the file of the learned Rent Controller, Coonoor, the present Civil Revision Petition is filed.

6. Heard the learned counsel for the petitioner and perused the materials available on record.

7. The petitioner is seeking to recall P.W.1 for further cross examination in respect of Ex.P3 and Ex.P4. From the impugned order of the learned Rent Controller, it is clear that the petitioner has cross examined P.W.1 witness and to Ex.P3 and Ex.P4 and petitioner has admitted the contents in the Ex.P3 and Ex.P4. A reading of the cross examination of petitioner / R.W.1 filed in the typed set of papers shows that the petitioner has admitted Ex.P3 and Ex.P4 and its contents. In view of the same, there is no

necessary to recall P.W.1. The factual issue involved in R.C.O.P is whether the respondents bonafide requires the petitioner's property for additional accommodation are not.

7. In view of the above facts and circumstances of the case, the learned Judge considering the pleadings and other facts of the case held that there is no necessity to recall P.W.1 and dismissed the application by giving cogent and valid reasons. Therefore, there is no illegality or irregularity warranting interference by this Court with the order of the learned Rent Controller, dated 19.04.2017.

8. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.06.2017

Speaking Order/Non-speaking Order

Index :Yes/No

av / ssd

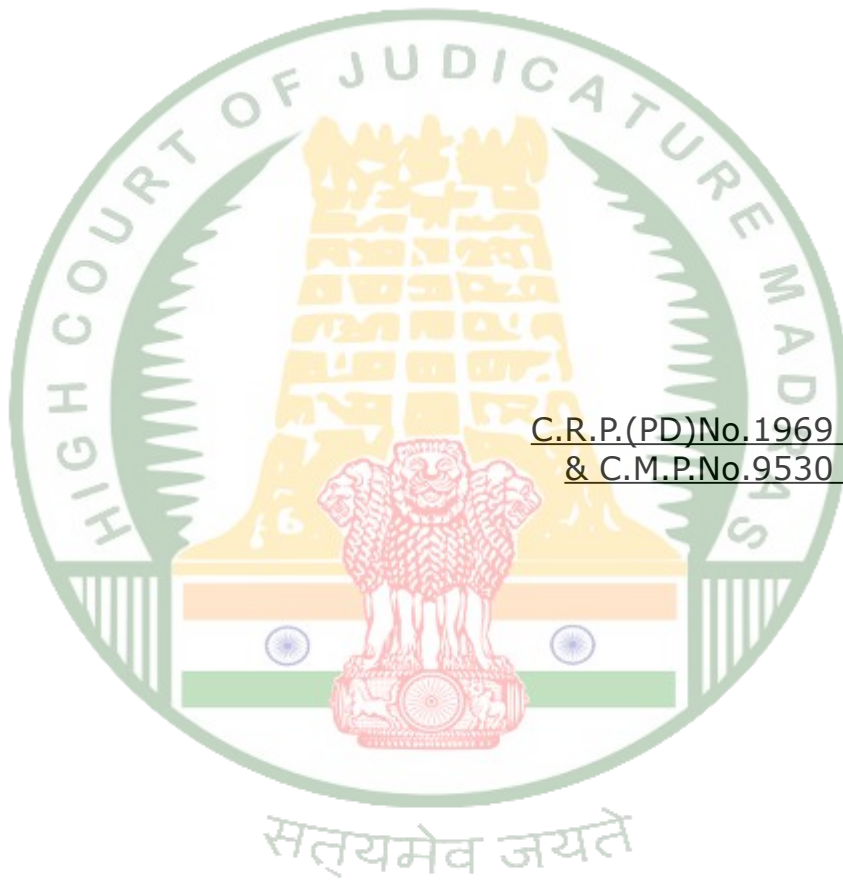
To

The learned Rent Controller,
Coonoor.

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V.M.VELUMANI, J.

av/ssd



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