

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

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THE HONOURABLE TMT.JUSTICE PUSHPA SATHYANARAYANA

CRP (PD).Nos.392 to 394 of 2017

T.Venugopal ... Petitioner in all the
Petitions

Versus

A.Chandrasekaran ... Respondent in all the
Petitions

CRP No. 392 of 2017:- Civil Revision Petition filed Under Section 115 of C.P.C. against the order and decreetal order dated 18.01.2017, made in I.A.No.560 of 2016 in R.C.O.P.No.193 of 2006 on the file of XV Small Causes Judge at Chennai.

CRP No. 393 of 2017:- Civil Revision Petition filed Under Section 115 of C.P.C. against the order and decreetal order dated 18.01.2017, made in I.A.No.561 of 2016 in R.C.O.P.No.193 of 2006 on the file of XV Small Causes Judge at Chennai.

CRP No. 394 of 2017:- Civil Revision Petition filed Under Section 115 of C.P.C. against the order and decreetal order dated 18.01.2017, made in I.A.No.562 of 2016 in R.C.O.P.No.193 of 2006 on the file of XV Small Causes Judge at Chennai.

For petitioner : Mr.K.Thiyagarajan

COMMON ORDER

C.R.P (PD) No.392 of 2017 is directed against the order passed in M.P.No.560 of 2016 in R.C.O.P.No.193 of 2006 to reopen the evidence of PW1; C.R.P.(PD)No.393 of 2017 is directed against the order passed in M.P.No.561 of 2016 in R.C.O.P.No.193 of 2006 filed to recall PW1 for the purpose of marking the documents and C.R.P.(PD)No.394 of 2017 is against the order passed in M.P.No.562 of 2016 in R.C.O.P.No.193 of 2006 to receive additional documents.

2. The Rent control proceedings in RCOP No. 193 of 2006 have been initiated by the landlord against the tenant under Sections 10 (3) (a) (i) and 10 (3) (c) of the Tamil Nadu Buildings (Lease and Rent Control) Act. During the course of cross-examination, the respondent/tenant has denied the title of the property to the petitioner. In order to disprove the same, the petitioner has filed the aforesaid applications contending that he is the owner of the property and who has performed the house warming ceremony to the premises in question. To substantiate the same, the petitioner has filed the aforesaid petitions to receive the video cassette taken during the house warming ceremony as additional document and for marking the same through PW1, he prayed for recalling PW1 by reopening the case. The learned Rent Controller dismissed the petitions on the ground that it is an after-thought on the part of the petitioner to file the petition to receive additional evidence. Further, trial in the Petition has commenced long back and therefore, after trial, it is not open to the petitioner to file the aforesaid petitions.

3. I heard the learned counsel for the petitioner and perused the orders passed by the court below. I find that the Court below is wholly justified in dismissing the petitions filed by the petitioner after commencement of trial. As rightly pointed out by the court below, the petitioner has not offered any explanation as to why the documents, which were in his possession, could not be marked at the earliest point of time and the attempt on the part of the petitioner to mark the additional documents is belated. In such view of the matter, I find no reason to interfere with the orders passed by the Court below. Accordingly, the Civil Revision Petitions are dismissed. No costs. Connected miscellaneous petitions are closed.

elp

01.03.2017

Speaking Order / Non-speaking Order

Index : Yes/No

Note : Registry is directed to return the certified copy of orders passed by the court below to the learned counsel for the petitioner.

PUSHPA SATHYANARAYANA, J.

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