

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD) No.3846 of 2016

S.G.Sekar & S.Ganasekaran

..Petitioner

-vs-

1.Shantha Bai

2.G.Sathish Das

3.G.Sandeep DAs

..Respondents

Petition filed under Article 227 of the Constitution of India, praying against the docket order passed in MP.SR.No.19220 of 2016 in RCOP.No.1719 of 2012 dated 19.09.2016 on the file of XII Judge, Small Causes Court, Chennai.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondents : Mr.G.Surya Narayanan for R-1
: Not ready in notice for RR 2 & 3

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ORDER

The first respondent in R.C.O.P.No.1719 of 2012 has filed the above Civil Revision Petition challenging the order passed in unnumbered application in M.P. SR 19220 of 2016 in R.C.O.P.No.1719 of 2012.

2.The first respondent / landlady filed R.C.O.P.No.1719 of 2012 for eviction. The tenants filed their counter and are contesting the petition. When the original petition was taken up for trial and after the closure of evidence of P.W.1, the first respondent filed the unnumbered application in M.P.SR 19220 of 2016 to recall P.W.1 for further cross-examination. The Rent Controller rejected the application since the revision petitioner has not complied with the earlier direction to cross-examine P.W.1 on 23.08.2016.

3.When the matter is taken up for hearing, Mr.Suryanarayanan, learned counsel appearing for the first respondent / landlady submitted that P.W.1 would appear before the Rent Controller on 07.04.2017 and on that day, the tenants may be directed to complete the cross-examination and accordingly, the Civil Revision Petition may be disposed of within a time frame.

4.Mr.B.Nedunchezhiyan, learned counsel appearing for the petitioner, also agreed that the tenants could cross-examine P.W.1 on 07.04.2017 without seeking for any adjournment.

5. Having regard to the submissions made by the learned counsel on either side, by consent of both the learned counsel, the order dated 19.09.2016 passed by the Rent Controller / XII Judge, Court of Small Causes, Chennai, in M.P. SR. 19220 of 2016 in R.C.O.P.No.1719 of 2012 is set aside. P.W.1 is directed to appear before the Rent Controller on 07.04.2017 for further cross-examination by the tenants. The tenants are directed to complete the cross-examination of P.W.1 on the very same day. On completion of trial and after hearing both the learned counsel, the Rent Controller / XII Judge, Court of Small Causes, Chennai, is directed to dispose of the original petition in R.C.O.P.No.1719 of 2012 within a period of six (6) weeks thereafter.

6. With these observations, the Civil Revision petition is allowed.
No costs.

21.03.2017

Speaking/Non-speaking order

Index : No
Internet : Yes

Note: Issue order copy by

23.03.2017.

sra

M.Duraiswamy, J.

(sra)

To

1.The XII Judge, Court of Small Causes, Chennai.

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<http://www.judis.nic.in>