



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2017

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P (PD) (MD) Nos.1159 and 1160 of 2016 and
CMP (MD) No.4166 of 2017

Adam Khan ...Petitioner in both CRPs

vs.

1. The Church of South India Trust Association
No.5, Whites Road,
Chennai,
Represented through its secretary
Rev. Dr.Mosas Jeyakumar.

2. M/s.Roseneath Resorts and Farms,
Represented through its Managing Partner,
Mr.E.Kannan
Represented through its Power Agent
Dr. E.Babu,
Residing at L1, 3rd Avenue,
Indra Nagar,
Chennai-20.

...Respondents in both CPRs

Petitions filed under Article 227 of Constitution of India,
against the fair and decreetal orders passed I.A.Nos.98 and 99 of
2016 in O.S.No.87 of 2003 on the file of District Munsif-cum-
Judicial Magistrate Court, Kodaikanal, dated 11.04.2016.

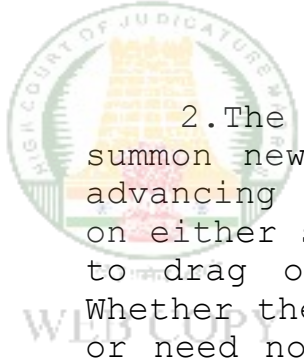
For Petitioner : Mr.M.P.Senthil

For R1 : Mr.V.Pasumpon

For R2 : Mr.M.V.Venkataseshan

COMMON ORDER

These revision petitions have been filed against the
dismissal of the applications in the suit seeking leave of the
Court and to permit the defendant to reopen and examine few more
witnesses on his behalf to ascertain the validity of sale deed
executed by the first plaintiff in favour of second plaintiff who
got himself impleaded pending suit on his purchase of the suit
property.



2.The Trial Court after considering the plea to reopen and summon new witnesses has held that when the case is posted for advancing arguments after completion of examining the witnesses on either side, the present application is filed with an intention to drag on the proceedings and to consume further more time. Whether the intention of the petitioner is to drag the proceedings or need not given much credence or weightage, but the reason for the petition at the stage when case was posted for argument is not convincing besides the purpose for which the document sought to be marked.

3.According to the revision petitioner, since the very transaction pending suit in favour of the second plaintiff is doubtful, he wanted to question the persons involved in the said transaction.

4.It is a suit for eviction initially filed by the Trust. In that suit itself, the revision petitioner has taken a plea that the suit is not maintainable and only Rent Control Act is applicable. Thereafter, pending suit, the Trust has alienated the property to the second respondent herein and who got himself impleaded in the suit. The order allowing to implead has been questioned in a revision petition and this court in CRP(MD) No.1384 of 2013, dated 07.11.2014 has given liberty to the defendants and the present revision petitioner to agitate the maintainability of the suit and all other points before the Trial Court.

5.In the said Circumstances, while the person who has initiated the suit has alienated the property to the second plaintiff and the matter is now contested by the second plaintiff, examining the witnesses listed in the petition is of no avail while the transfer is not questioned by the person who sold or person who has purchased. A tenant is always a tenant. Change of ownership does not diminish or enhance his case insofar as the eviction on the basis of termination of lease.

6.This Court finds no ground to interfere with the order of the Trial Court. Hence, these Civil Revision Petitions are demised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar



To

The District Munsif-cum-Judicial Magistrate Court,
Kodaikanal.

+1 cc to Mr.M.V.Venkateshan, Advocate in SR.No. 60057

+1 cc to Mr.M.P.Senthil , Advocate in SR.No. 60031

cp

AE/MR/SAR3/22.06.2017/3P/4C

C.R.P (PD) (MD) Nos.1159and 1160 of 2016
13.06.2017