

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD).No.144 of 2018 and

C.M.P.No.742 of 2018

A.Venkatesh

... Petitioner

Vs.

1. M.Mohamed Diwan
2. M.Peer Mohammed
3. M.Ibrahim Sha

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the impugned Fair and Decreetal orders made in M.P.No.521 of 2017 in RCOP No.302 of 2016 dated 29.11.2017 on the file of the XV Small Causes Court, Chennai.

For Petitioner : Mr.A.Venkatesh,
(Party in Person)

For Respondents : Mr.V.Lakshmi narayanan
for Mr.S.Mohan

ORDER

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The relief sought for in this revision is to set aside the impugned Fair and Decreetal orders made in M.P.No.521 of 2017 in RCOP No.302 of 2016

dated 29.11.2017 on the file of the XV Small Causes Court, Chennai.

2. The respondents filed RCOP No.302 of 2016 on the file of Small Causes Court Chennai. During the pendency of RCOP No.302 of 2016, the revision petitioner filed Miscellaneous petition in M.P.No.521 of 2017 in RCOP NO.302 of 2016 for amending the schedule to the plaint. After given an opportunity of hearing, the Rent Control Authority dismissed the said miscellaneous petition on 29.11.2017, on the ground that the revision petitioner cannot amend the schedule in RCOP No.302 of 2016.

3. Aggrieved against the said order dated 29.11.2017, the revision petitioner approached this Court by way of this revision.

4. Heard the petitioner (party-in-person) and the learned counsel for the respondents and perused the available records.

5. The petitioner appeared as party in person. The petitioner would submit that during pendency of RCOP No.302 of 2016, he filed an application to amend the schedule in RCOP No.302 of 2016. It is also submitted that there is no dispute between the landlord and tenant. After considering the materials

on record, the learned Rent Controller failed to consider the nature of the case, and dismissed the petition, hence the revision petitioner filed an appeal against the respondent before the Court for the very same property which is stated to be pending. Therefore, this CRP is filed by the petitioner.

6. The trial Court found that the revision petitioner/respondent in RCOP.No.302 of 2016 cannot seeks amendment to the schedule in RCOP, therefore, it is dismissed. The respondent in proceedings, can file a counter and raise his objection but cannot amend the RCOP, as sought for in the M.P.No.521 of 2017.

7. It is relevant to observe that , the scope of Order VI Rule 17 of CPC envisages that only the respective party can amend his pleadings whereas the party cannot amend the pleadings of his opponent party.

8. Since, the above provision in Code of Civil Procedure is direct and self explanatory and in favour of the respondents, the case of the petitioner has no legs to stand. Therefore, this Court does not find any illegality or infirmity or perversity in the order passed by the trial Court in M.P.No.521 of 2017 in RCOP No.302 of 2016.

P.VELMURUGAN, J.,

vum

9. In the result, the Civil revision petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

26.04.2018

Note: Issue order copy on 25.05.2018

Index:Yes/No

Speaking order / Non speaking order

vum

To

The XV Judge,

Small Cause Court, Chennai.

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