



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (PD) (MD) No.1122 of 2018
and
CMP(MD)No.4815 of 2018

G.Chitra

... Petitioner

Vs.

1.S.Rathinam @ Mangammal

2.S.Sivashankaran

... Respondents

Prayer : Civil Revision Petition is filed Article 227 of the Constitution of India, to call for the records to the fair and decreetal order passed in I.A No.6 of 2018 in RCOP No.1 of 2017 dated 27.04.2018 on the file of the Principal District Munsif, Manamadurai and set aside the same.

For Petitioner : Mr.D.Srinivasaragavan

For Respondents : Mr.S.J.Chakkaravarthy

ORDER

The revision petitioner is the landlord. She filed RCOP No.1 of 2017 before the Rent Controller/Principal District Munsif, Manamadurai. In the said RCOP, the tenant filed I.A No.6 of 2018 for examining her power agent who is the second respondent herein. The court below by the order impugned in this civil revision petition allowed the said I.A.

2.But, while so allowing, the court below had made it clear that the power agent can depose only on behalf of the tenant and not as a tenant and that his deposition shall be confined only to the facts within his knowledge. But, in the decreetal order, it has been mentioned that the power agent can mark those documents which are only within the knowledge of tenant. But, it is only a typing error. In the fair order, it has been mentioned that the order allowing the I.A cannot be construed as if the power agent can mark those documents which are only within the knowledge of the tenant. Thus, the rent controller clearly aware of the decision of the Hon'ble Supreme Court reported in 2005 (3) MLJ 109.



3. Clarifying that Clause 4 of the decretal order is not in consonance with the fair order, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-II)

skm

To
The Principal District Munsif,
Manamadurai.

Copy to

The Section Officer, (2 copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. D. Srinivasaragavan, Advocate in SR No. 89265
+1cc to Mr. S. J. Chakravarthy, Advocate in SR No. 88792

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NM/SV/SAR II/14.11.18/2P/6C.