



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.2379 of 2017

and

C.M.P. (MD) No.11374 of 2017

Arumugam, S/o.Paramasivam Pillai

... Petitioner

Vs.

Sathyannarayanan, S/o.Nallaperumal Pillai

... Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 12.10.2017, passed in I.A.No.269 of 2017 in R.C.O.P.No.368 of 2014 on the file of the Principal Rent Controller, Madurai Town/Principal District Munsif Court, Madurai Town and allow this Civil Revision Petition.

For Petitioner	: Mr.C.Jeyaprakash
For Respondent	: Mr.S.Sukumar

ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decretal order dated 12.10.2017, passed in I.A.No.269 of 2017 in R.C.O.P.No.368 of 2014, by the learned Principal Rent Controller/Principal District Munsif, Madurai Town.

2.The revision petitioner/tenant is the respondent and the respondent/landlord is the petitioner in R.C.O.P.No.368 of 2014 on the file of the Principal District Munsif Court, Madurai Town. The respondent filed the said R.C.O.P., for eviction. Due to non-appearance of the revision petitioner's counsel before the Court below on the date of hearing, the Court has closed the evidence. Hence, the revision petitioner has filed an application in I.A.No.269 of 2017 before the Principal District Munsif Court, Madurai Town, to re-open the case to give further evidence on the side of the revision petitioner/tenant. After hearing both sides, the learned Principal Rent Controller/Principal District Munsif, Madurai Town, vide order dated 12.10.2017, dismissed the said application stating that sufficient opportunity was already given to the revision petitioner and only to prolong the proceedings, he has filed the present application. Challenging the said dismissal order dated 12.10.2017, the present Civil Revision Petition has been



filed.

3.It is represented by the learned counsel on either side that during the pendency of the Civil Revision Petition, the said R.C.O.P. itself was disposed of and therefore, the revision petitioner seeks liberty from this Court to permit him to raise the grounds, which are raised in the Civil Revision Petition, before the appellate Court.

4.In the appeal stage, the parties are entitled to examine additional witnesses and mark additional documents and the same can be considered by the appellate Court. Therefore, I am inclined to pass the following order:-

Since the main R.C.O.P. itself was disposed of, this Civil Revision Petition is dismissed as infructuous. No costs. The revision petitioner is at liberty to file an application for producing additional witnesses/additional documents in the appeal stage and the appellate Court is directed to consider the same in accordance with law.

Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Principal Rent Controller/Principal District Munsif,
Madurai Town.
2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.C.JEYA PRAKASH, ADVOCATE IN SR No. 73029
+ 1 CC TO Mr.S.SUKUMAR, ADVOCATE IN SR No. 72888

SMN2

TE/PN/SAR-4 : 20/07/2018 : 2P/6C

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