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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2018

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) Nos.1263 and 1440 of 2018

and

C.M.P (MD) .No.5329 of 2018

Mahaboobhunnisa (died) ...1st Petitioner/1st Respondent
1.Noorunnisa
2.Fartaj Fathima
3.Zarima Parveen .. Petitioners/Petitioners 2 to 4/
Respondents 2 to 4
(in both cases)
/Vs./

1.R.Umadevi .. 1st Respondent/Respondent/
Petitioner

2.Shah Idris
3.Shah Irphan .. Respondents 2 & 3/
Petitioners 5 & 6/
Respondents 5 & 6 (in both cases)

(The Respondents 2 & 3 are in abroad and not able to join with the petitioners, hence they are arrayed as respondents and they are landlords. Notice on them may dispense with.)

PRAYER: These Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.Nos.3 and 4 2018 in R.C.O.P.No.36 of 2013 dated 26.02.2018 on the file of the Principal District Munsif Court, Tiruchirapalli.

For Petitioners : Mr.H.Arumugam
For R1 : Mr.P.Arun Jayatram

C O M M O N O R D E R

The revision Petitioners are the respondents in R.C.O.P.No.36 of 2013 on the file of the Rent Controller, the Principal District Munsif, Trichirappalli. The matter was posted for trial as early as in the year 2013. Due to some reason or other, the revision petitioners did not cross examine the witnesses. Therefore, the present Interlocutory Applications have been taken out to re-open and re-call P.W.1 and P.W.2 for cross examination. The court below by order dated 26.02.2018 dismissed both the Interlocutory Applications. The correctness of the said orders is under question in these civil revision petitions.



2. The learned counsel appearing for the first respondent submitted that the reasons given by the court below cannot be faulted.

3. Though the said submission of the counsel for the first respondent has considerable force, I am of the view that the revision petitioners can be given one more opportunity. The learned counsel for the revision petitioners submits that they would cross examine the recalled witnesses on the same day. The learned counsel for the revision petitioners would further submit that they will not file any further Interlocutory Applications, which may drag on the proceedings. The Rent Control Original Petition is of the year 2013 and a direction for speedy disposal can also be given.

4. In such view of the matter, the orders impugned in the Civil Revision Petitions are set aside.

5. In the result, both Civil Revision Petitions are allowed. No costs. Consequently, connected C.M.P.(MD) No.5329 of 2018 is closed. However, the Court below shall dispose of R.C.O.P. No. 36 of 2013 within a period of 3 months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Principal District Munsif,
Tiruchirappalli.

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

+1cc to Mr.H.Arumugam, Advocate Sr.No.80142

+1cc to Mr.P.Arun Jayatram, Advocate Sr.No.80330

CM

VB/RSK/SAR1/20.09.2018/2P/6C