



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) Nos.1724 and 1725 of 2018

and

C.M.P. (MD) .No.7404 of 2018

K.Murugan

.. Petitioner/ Petitioner/
1st Respondent
in both petitions

vs.

1. K.Ravi Kumar

.. 1st Respondent/
Respondent / Petitioner
in both petitions

Krishnan (died)

Guruvammal (died)

2. K.Pandi

3. K.Selvam

.. Respondents 2 &3 /
Respondents 4 & 5
Respondents 4 & 5
in both petitions

COMMON PRAYER : Civil Revision Petitions filed under Article 227 of the Constitution of India, against the order passed by the learned Rent Controller, Sattur in I.A.Nos.4 and 5 of 2018 in R.C.O.P.No.1 of 2005 dated 05.07.2018.

In both petitions :

For Petitioner : Mr.D.Dhana Chandra Prakash

For Respondent No.1: Mr.T.R.Jeyapalam

COMMON ORDER

These revision petitions have been filed by the tenant, who is the respondent in R.C.O.P.No.1 of 2005, on the file of the Rent Controller/ District Munsif, Sattur. The litigation between the parties has witnessed a chequered history during the last 13 years. In view of the consent given by the counsel on either side, it is not necessary to refer to all the antecedent developments, suffice it to say that when the matter was posted for arguments, the tenant filed I.A.Nos.4 and 5 of 2018 for reopening of the case and recalling PW1. The Court below by order, dated 05.07.2018 dismissed both the applications by giving a finding that the tenant wants to drag on the proceedings. The said orders are under challenge in these civil revision petitions.

2. The learned counsel appearing for the landlord / 1st respondent on instructions from his client submitted that he has no objection to allow these two civil revision petitions, if the



recalled witness, namely, PW1 is examined tomorrow itself and the arguments of the tenant are concluded on Monday (20.08.2018) itself.

3. The learned counsel appearing for the revision petitioner gave his concurrence to the said course of action. Recording the undertaking given by the learned counsel for the revision petitioner based on the instructions of the revision petitioner, the orders impugned in these civil revision petitions are set aside.

4. The revision petitioner is given one final opportunity to cross-examine PW1 tomorrow, i.e., on 17.08.2018. Under no circumstances, the cross-examination of PW1 will spill over to the next working day, if the revision petitioner does not conclude the cross-examination of PW1 tomorrow itself, the order now passed will stand automatically recalled and both the Civil Revision Petitions stand dismissed. Likewise, the tenant will have to conclude his arguments in R.C.O.P.No.1 of 2005 by 20.08.2018 itself. Again it is reiterated that if the tenant does not conclude his argument in the main RCOP within the time stipulated, the Rent Controller would reserve orders in RCOP and proceed to give judgment and orders on merits in accordance with law. It is made clear that under no circumstances, any further IA will be entertained from the tenant.

5. With these directions, both the civil revision petitions are allowed. No Costs. Consequently, connected miscellaneous petition is closed.

These Petitions having been posted on 20th day of August 2018, "for being mentioned". In pursuance to the order of this Court dated 16.08.2018 made herein and in the presence of the abovesaid Advocates, this Court made the following order:

This matter is posted under the caption for "being mentioned".

2.The Registry is directed to issue a supplemental order copy today itself. This Court, while allowing the civil revision petition, had directed that the tenant/revision petitioner shall cross-examine P.W.1 in the after noon of 17.08.2018 and that the arguments shall be concluded by 20.08.2018.

3.Since 17.08.2018 turned out to be a holiday, this Court modifies the said direction and permits the tenant/revision petitioner to cross-examine P.W.1 on tomorrow i.e., on 21.08.2018 and conclude the arguments on 23.08.2018. If due to some reasons, the said dated turns out to be holiday, the Court below shall construe the same as the next working day.

Sd/

Assistant Registrar (P&A)

/True copy/



To

1. The Rent Controller/District Munsif,
Sattur.

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

+1cc to Mr.T.R.Jeyapalam, Advocate, SR.No. 79006

+2cc to Mr.J.Jeyakumaran, Advocate, SR.No.79173,79174

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PJL

KK/SKN/20.08.2018/SAR-4/3P-7C