



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.01.2018

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

C.R.P. (PD) (MD) No.310 of 2011

and

MP. (MD) No.1 of 2011

P.Jeyakumar

... Petitioner/Respondent
Respondent

vs.

1.A.Prabakaran

2.A.Babu

... Respondents/Petitioners/
Petitioners

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order passed in I.A.No.27 of 2010 in R.C.O.P.No.2 of 2009 on the file of Rent Controller (Principal District Munsif), Karur dated 06.09.2010.

For Petitioner : M/s.M.Seetha

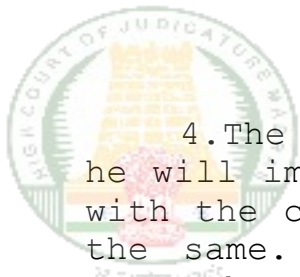
For Respondents : Mr.N.Shanmugaselvam

ORDER

This petition has been filed to set aside the order passed in I.A.No.27 of 2010 in R.C.O.P.No.2 of 2009 on the file of Rent Controller (Principal District Munsif), Karur dated 06.09.2010.

2.Heard both sides and perused the materials available on record.

3.On perusal of the order it is learnt that on 15.11.2009, PW1 was examined and the case was adjourned for cross examination from 15.11.2009 to 10.02.2010 and even on that day also the petitioner has not availed opportunity of cross examination and the petition was dismissed. The reasons stated by the petitioner is that on 05.02.2010, he was ill and he could not convey the same to the counsel and the case was posted for cross examination on 10.02.2010 and no sufficient reason was offered by this petitioner for not cross examining PW1 on that day. Hence, the petitioner has set ex-parte. The petitioner has filed I.A.No.27 of 2010 to set aside the ex-parte decree passed on 10.02.2010.



4.The petitioner represented that if an opportunity is given, he will immediately cross examine the witness and he will proceed with the case for quick disposal. The respondent also agreed for the same. R.C.O.P was filed in the year 2009 and the witness started cross examining in the year 2009 itself and till the year 2010 the petitioner did not cross examine PW1.

5. Considering the above facts and also the long pendency, this court is of the view that an opportunity may be given to the petitioner.

6.Upon hearing both sides, cost of Rs.9,000/- is imposed on the petitioner. Out of the said amount, Rs.5,000/- shall be paid to the respondent and Rs.4,000/- shall be paid to Legal Service Authority. On producing the receipt of the amount, the lower court shall permit the petitioner to cross examine P.W.1.

7.The Rent Controller is directed to dispose R.C.O.P.No.2 of 2009 on merit within a month from the date of receipt of a copy of this order.

8.With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected MP.(MD)No.1 of 2011 is closed.

sd/
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

dss

To

1.The Principal District Munsif,
Rent Controller, Karur.

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

Copy To : The Secretary, The Legal Service Authority,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.K.Govindarajan, Advocate in SR.No.44703

GJM/SKN/RSK/SAR-3-29.5.18-2p-6c

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