

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.6717 of 2017

Order:

The petitioner has come up with the above revision challenging an order of the Rent Controller refusing to recall P.W.1 for further cross-examination.

2. Heard Mr. K.Bhima Singh, learned counsel for the petitioner.

3. The petitioner is the tenant and the respondent is the landlord. The respondent filed a petition for eviction on the ground of wilful default in payment of monthly rent and also on the ground that they require the property for putting up the construction of a hostel for widows.

4. It appears that after the evidence of P.W.1 was closed, the petitioner moved an application for recalling him and for filing additional documents. The documents sought to be filed through cross-examination of P.W.1 were the documents already filed in R.C.C.No.5 of 2014 filed by the petitioner seeking permission to deposit the rent into the Court on the ground that the landlord was refusing to receive the rent.

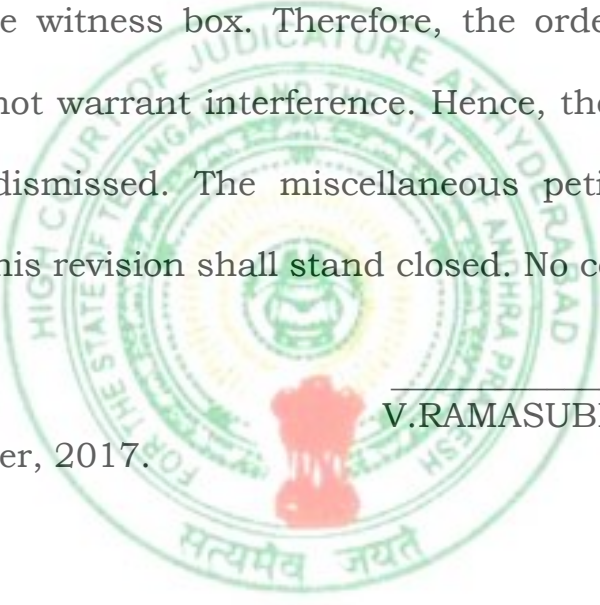
5. Taking note of the conduct of the petitioner, the Rent Controller dismissed the application for reopen and recall together with costs of Rs.3,000/-. Aggrieved by the same, the petitioner is before me.

6. The Rent Controller was right in dismissing the application for the simple reason that in R.C.C.No.5 of 2014

the documents said to have been filed by the petitioner are not even marked. Therefore, the petitioner can take back those documents and file them as his documents in the present eviction petition. The question of putting those documents in cross-examination of P.W.1 does not arise.

7. The case of the respondent/landlord is that the petitioner is in wilful default. If the petitioner claims that he had sent the rents by money order or by other means and that he has proof, it is up to him to prove the same when he goes into the witness box. Therefore, the order of the Trial Court does not warrant interference. Hence, the civil revision petition is dismissed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

30th November, 2017.
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V.RAMASUBRAMANIAN, J.

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