

Reserved on :22.04.2019

Pronounced on :30.04.2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Rev. A.No.33 of 2015

M.P.No.1 of 2015 & C.M.P.No.21667 of 2017

1. M/s.Shanthi Jewelers,
rep. by its Managing Partner,
S.Ashok Chopda
2. Mr.S.Ashok Chopda
Managing Partner Shanthi Jewellers
3. Mr.S.Gyanchand
4. Ms.Kalpana

... Petitioners

Vs

1. Mr.J.A.Bidami Bai (died)
2. Mr.J.A.Nemichand
LR of the deceased
J.A.Bidami Bai
vide Order of this Court dated 08.03.2019
in CMP.10909 of 2018 in Rev. A.No.33/15

... Respondent

Prayer :- This review application has been filed under section 114 of Code of Civil Procedure read with Order 47 Rule 1 of Civil Procedure Code against the

Order passed by Hon'ble Justice S.Manikumar in CRP.No.2282 of 2011 on the file of this Court.

For petitioners : Mr.P.S.Raman (Sr. counsel)
for Mr.P.Krishnan

For Respondent : Mr.G.Ethirajulu
for Mr.K.Chandru

ORDER

This review application has been filed to review the Order passed by this Court in CRP.No.2282 of 2011 dated 17.09.2014.

2. The review is sought on the ground that while passing the final Order on 17.09.2014, this Court failed to note that M.P.No.1 of 2012 and M.P.No.3 of 2012 pending for reception of additional documents. It is the contention of the review petitioner that this Court has disposed of the Civil Revision petition without considering the additional documents filed in the above miscellaneous petition. If the additional documents are considered, this Court could have come to the conclusion that the landlord's petition for eviction on the ground of owner's occupation is not maintainable. The report of the Advocate Commissioner is also not considered by this Court while disposing the revision. Hence, this review is sought to review the Order passed by this Court.

3. During the pendency of the review application, a petition in C.M.P.No.8513 of 2019 is filed for reception of additional documents on the ground that the respondent has shifted his business from No.6/737, First Main Road, Muthamizh Nagar to No.9/5, Ullaramman Koil Street, Old Washermenpet in his own premises. To prove the above fact, he has taken photographs and also electricity connection and hence, those documents are necessary to be received as additional documents.

4. The above application has been objected by the respondent on the ground that review itself is not maintainable as against the final Order passed by the revisional authority under section 25 of the Tamilnadu Buildings (Lease and Rent Control) Act. The case of bonafide requirement should be taken into account in the stage of petition and not in the review application. It is submitted that the respondent's son Mr.Arihant is running the business and submitted that now the documents sought need not be allowed to be marked as exhibits. Hence, prayed for dismissal of the applications.

5. Brief facts leading to filing of this review is as follows :

The landlady has originally filed an application for eviction under section 10(2) (i) and (10) (3) (a) (iii) of Tamilnadu Buildings (Lease and Rent Control) Act

1960 as amended Act 23 of 1973 for eviction of the respondents on the ground of willful default and also owners occupation in R.C.O.P.No.1934 of 2006. Further, the building is also required for business of landlady's son, who is doing business 10 kms. away from the petition mentioned property. The learned Rent Controller allowed the eviction on both the grounds. Against which an appeal has been filed and the first appellate authority partly allowed the appeal setting aside the Order of eviction under the ground of willful default. However, confirmed the Order of the Rent Controller Ordering eviction under section 10(3) (a) (iii) of the Tamilnadu Buildings (Lease and Rent Control Act. The appellate authority in paragraph 18 of the Order has clearly held that the landlady's son is doing business in Kodungaiyur, Chennai – 118. The respondents also admitted in their counter that the landlady's son is doing business in Kodungaiyur, Chennai - 18. As against which a revision has been filed before this Court in C.R.P.No.2282 of 2011. During the pendency of the revision, M.P.Nos.1 and 2 of 2012 have been filed. M.P.No.2 of 2012 has been filed for appointment of an Advocate Commissioner to note down the physical features in Door No.513 and M.P.No.1 of 2012 has been filed to receive additional documents namely the photographs. In M.P.No.2 of 2012, an Advocate Commissioner was appointed to note down whether all the shops are facing the road or any shop is situate on the rear side and if any portion is found vacant. The Commissioner has also filed a report. However, while disposing the main Civil Revision Petition by brother Justice Mr.S.Manikumar, the miscellaneous petitions in M.P.Nos.1 and 2 were

closed and the Civil Revision Petition has been dismissed confirming the finding of the Courts below. While disposing the Civil Revision Petition, in paragraphs 4 and 5, this Court has held as follows :

“4. According to the petitioners/tenants, the respondent/landlady failed to specify the name of the bank for depositing the rent. The respondent in the CRP returned the cheque sent by the petitioners. RCOP. 1934 of 2006 was filed by the tenants/petitioners against the respondent/landlady. The former RCOP 1934/06 was filed for eviction on the grounds of willful default and owners occupation. The RCOP 1942 of 06 was filed by the petitioners/tenants for depositing the rent in the Court. RCOP.1942/06 was dismissed by the trial Court and RCOP.1934/06 was allowed on both the grounds by a common judgment 16.06.2008. The RCOP.1934/06 where the lower appellate court discussed the evidence of respondent/landlady as petitioner and the Exs.P.1 to P.11 marked by her The lower appellate court has also discussed the evidence of R.W.1 and Exs.R1 to R14. The trial court ordered eviction on both the grounds but the lower appellate court confirmed the finding of the lower court with regard to owners occupation and set aside the finding of the trial court with regard to willful default.

5. The P.W.1 has stated that he is running a business in a

far off place and the distance from the place of business is about 10 kms. According to him, the age of his mother is 77. The suggestion made by the petitioners/tenants is that in order to evict the tenants/petitioners, P.W.1 has shifted his business to a far off place. Both the lower courts have not accepted this suggestion that P.W.1 has shifted his business to a far off place in order to evict this petitioners/tenants under the guise of owners occupation. I have gone through oral and documentary the arguments.”

and dismissed the Civil Revision Petition and consequently, connected miscellaneous petitions are also closed.

6. It is the contention of the learned senior counsel this Court while disposing the Civil Revision Petition, the additional documentary evidence and the report of the Advocate Commissioner and the photographs have not been taken into consideration and came to the conclusion that the requirement of the landlady is bonafide and dismissed the Civil Revision Petition. It is his further contention that the Advocate Commissioner's report shows that there are some rooms vacant in the premises. Therefore, it is his contention that there is an error apparent on the face of the record. Hence, such Order is liable to be reviewed.

7. It is his further contention that now the additional documents sought to be filed to prove the fact that the landlady's son has shifted his business from the premises to some other place and there is no bonafide requirement and subsequent events is also necessary to decide the bonafide requirement of the landlady. It is his further contention that review of the Order is permissible when there is an error apparent on the face of the record and in support of his contentions, he relied on the following judgments :

T.N.Krishnamoorthy Vs. M/s. Jagath Textiles Maduri Town reported in **1982 (1) RCJ 121**

P.K.Balakrishnan (deceased) B.Kasthuri & others Vs. C.Shankar and V.K.Jagadeesan reported in **2007 (3) MLJ 982**

Sree Balaji Krishna Hardware Stores Vs. Srinivasaiah reported in **1998 (2) Supreme Court Cases 708**

Rajender Singh Vs. Governor, Andaman and Nicobar Islands and others reported in **AIR 2006 SC 75**

Kamlesh Verma Vs. Mayawati and others reported in **AIR 2013 SC 3301**

Moran Mar Basselios Catholicos and others Vs. The Most Rev. Mar Poulse Athanasius and others reported in **Manu/SC/0031954**

State of West Bengal and others Vs. Kamal Sengupta and others reported in **2008 (8) SCC 612**

8. Whereas the learned counsel appearing for the respondent submitted that this review application is nothing but only to protract the proceedings. This Court while disposing the Civil Revision Petition in the year 2014 has considered the finding of the Courts below and also considered the evidence of P.W.1 and dismissed the revision and also closed Miscellaneous Petition Nos. 1 and 2 filed as additional evidence. This Court has in fact closed the miscellaneous petitions since those documents are no way relevant to decide the revision. Hence, it is the contention of the learned counsel that the review is not maintainable and entire facts cannot be reappreciated in the review application. The additional documents now sought to be filed are not relevant to decide the review. Those documents are irrelevant and photographs are of the subsequent events which had taken place after 15 years of the petition filed for eviction. Hence, submitted that the review application is not maintainable. In support of his contentions, he relied upon the following judgments :

Gaya Prasad Vs. Pradeep Srivastava reported in **2001 (2) Supreme Court Cases 604**

S.R.Babu Vs. T.K.Vasudevan and others reported in **2001 (8) Supreme Court Cases 110**

R.Pragadesh Vs. N.V.Subramanian reported in **2010-4-L.W. 157**

Kamlesh Verma Vs.Mayawati & others reported in **2013 (4) CTC 882**

Abdul Rahim Vs. Jothi and others reported in **2016(4) MLJ 506**

9. In judgment in **T.N.Krishnamoorthy Vs. M/s.Jagat Textiles, Madurai Town** reported in **1982 (1) RCJ 121** it has been held as follows :

“33. Therefore the procedure to be followed in disposing of revision under [Section 25](#) of the Act, being governed by the provisions of the Code of Civil Procedure, the power of review having been conferred therein expressly this review petition is maintainable.

34. The decision of the Supreme Court in [S.M. Gopalakrishna Chetty v. Ganeshan](#) (1976) 1 S. C. J. 358 : A. I. R. 975 S. C. 1750 and the division Bench decision of this Court in [R. Venkatesaachary v. The Judge](#), Court of Small Causes, Madras are to the effect that a single petition can be in respect of different tenancies provided it is in respect of the same 'building'. Hence the amendment proposed and which has been ordered by the two statutory authorities is confirmed, and the Rent Controller can further proceed to dispose of the matter on its merits, without the need to go into the question of finding out at this stage of amendment of petition, as to whether there is a single tenancy or two tenancies. It there is need to consider whether there is a single tenancy or two tenancies for the proper disposal of the

petition in its merits, it will be a different matter. For the purpose of carrying out the amendment, the direction already issued is not being necessary, it results in confirmation of the order of the Appellate Authority, and in the dismissal of the Civil Revision Petition No. 2612 of 1979. To this effect the review petition is allowed.”

10. The above judgment has been followed in the judgment in **V.K.Balakrishnan (Deceased), B.Kasthuri and others Vs. C.Shankar and another** reported in **2007 (3) MLJ 982**.

11. Similarly in judgment reported in **Sree Balaji Krishna Hardware Stores Vs. Srinivasaiah** reported in **1998 (2) Supreme Court Cases 708**, it has been held as follows :

“6. The question is, assuming the landlord's requirement was bonafide, whether the landlord was justified in not giving the above shop to his son Madangopal and giving it to his daughters-in-law and other sons. It is not stated that the daughters-in-law are having business and require a shop or that their need was greater than that of Madangopal. It has not been explained as to why the shop which could be reached from the front side through the passage between the appellant's shop on the right and Srinivas

Glass Agencies on the left, was not suitable. In the appellant's shop was not found suitable, we are constrained to hold that the conclusion of Courts below that it was not suitable for the landlord's son business was not tenable for the landlord's son below that it was not suitable for the landlords son business was not tenable. Learned counsel for the respondent-landlord said that the shop was not abutting the road but was behind the front shop occupied by the appellant and could be reached only through the passage between the 2 shops on the front side. We are unable to see why the said shop which so fell vacant, for his son's business and in allowing his daughters-in-law and other sons to use the same, was not bonafide. We accordingly allow the appeal, set aside the judgments of the High Court, the appellant authority & the Rent Controller and dismiss the eviction petition. The appeal is allowed accordingly.”

12. In judgment in **Rajender Singh Vs. Governor, Andaman and Nicobar Islands and others** reported in **AIR 2006 SC 75**, it has been held as follows :

“13. We are unable to countenance the argument advanced by learned Additional Solicitor General appearing for

the respondents. A careful perusal of the impugned judgment does not deal with and decide many important issues as could be seen from the grounds of review and as raised in the grounds of special leave petition/appeal. The High Court, in our opinion, is not justified in ignoring the materials on record which on proper consideration may justify the claim of the appellant. Learned counsel for the appellant has also explained to this Court as to why the appellant could not place before the Division Bench some of these documents which were not in possession of the appellant at the time of hearing of the case. The High Court, in our opinion, is not correct in overlooking the documents relied on by the appellant and the respondents. In our opinion, review jurisdiction is available in the present case since the impugned judgment is a clear case of an error apparent on the face of the record and non-consideration of relevant documents. The appellant, in our opinion, has got a strong case in their favour and if the claim of the appellant in this appeal is not countenanced, the appellant will suffer immeasurable loss and injury. Law is well-settled that the power of judicial review of its own order by the High Court inheres in every Court of plenary jurisdiction to prevent mis-carriage of justice.

14. The power, in our opinion, extends to correct all errors to prevent miscarriage of justice. The courts should not hesitate to review its own earlier order when there exists an error on the face of the record and the interest of the justice so demands in appropriate cases. The grievance of the appellant is that though several vital issues were raised and documents placed, the High Court has not considered the same in its review jurisdiction. In our opinion, the High Court's order in the revision petition is not correct which really necessitates our interference”.

13. In the judgment in **Kamlesh Verma Vs. Mayawati and others** reported in **AIR 2013 SC 3301**, it has been held as follows :

“16. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute :

(A) When the review will be maintainable :

- (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him ;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.”

14. In judgment in **Moran Mar Basselios Catholicos and others Vs. The Most Rev. Mar Poulose Athanasius and others** reported in **Manu/SC/0031954**, it has been held as follows :

“60. The Division Bench held that if the Order under review results in serious miscarriage of justice, the Court would not be shy to review its own Order. The reason appears to be that the Court in exercising high prerogative writ jurisdiction, the paramount consideration would be to ensure that no injustice is caused to a party if it appears that the Order is passed in ignorance of material on record or law since in such case if the order is allowed to continue it would cause serious miscarriage of justice. The propriety of such order even under review has to be tested on the touchstone of substantive justice and the Court would always remind itself that technicalities should not stand in the way of reviewing its own order. If it appears to the Court that the Court had committed some mistake or error apparent on the face of the record it would unhesitatingly review such order. The paramount consideration as it appears to us from the analysis of the judgments is “miscarriage of justice”. The error apparent on the face of the record or a mistake or for sufficient reason as one would find in Order 47 of the Code of Civil Procedure are the

additional considerations which read with miscarriage of justice give an ample power to the Constitutional Courts to exercise its inherent power to review.

15. In the judgment in **State of West Bengal and others Vs. Kamal Sengupta and others** reported in **2008 (8) SCC 612** it has been held as follows :

“14. At this stage it is apposite to observe that where a review is sought on the ground of discovery of new matter or evidence, such matter or evidence must be relevant and must be of such a character that if the same had been produced, it might have altered the judgment. In other words, mere discovery of new or important matter or evidence is not sufficient ground for review *ex debito justitiae*. Not only this, the party seeking review has also to show that such additional matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the Court earlier.

16. From the above judgments, there is no dispute with regard to the position of law that when there is an error apparent on the face of the record, review is maintainable. In the background of the above judgements, now it has to be decided whether the Order passed by this Court by brother justice Mr.S.Manikumar required to be reviewed. As stated above, the learned Rent

Controller Ordered eviction under two grounds. Whereas the first appellate Court allowed eviction only on the ground of owners requirement for her son's business. The first appellate Court had factually found that the respondent's son was carrying on business 10 kms away in the rented premises and in fact the first appellate Court has clearly gone into admission of the tenant in the counter about the business of the son of the landlady and found that the requirement of the landlady is bonafide.

17. In M.P.No.2 of 2012, as already stated, a Commissioner has been appointed with a specific direction to note down whether all the shops are occupied or any portion is vacant on the front side or in the rear side of the premises. In his report the Commissioner has noted that two shops in the ground are floor facing road and there is no shop in the rear side. Though the Commissioner has noted down that some rooms were available inside the premises and few house hold articles are kept inside the room, his report clearly indicate that two shops namely tenanted premises in the ground floor with various measurements are facing road and on the southern side Shanthi Jewelers is situate and on the northern side R.Damodharan Vessels Merchants is situated. The grievance of the revision petitioner is that Commissioner's Report has not been properly analysed by the revisional Court. Of Course, while disposing of the revision, this Court has not discussed the report of the Commissioner, but had gone through the findings of the Courts below and also

the evidence of P.W.1 and suggestions of the tenants and after going through the oral and documentary evidence, finally dismissed the revision and also closed the miscellaneous petitions namely M.P. Nos.1 and 2 of 2014. While disposing of the revision itself, this Court has taken note of the report of the Commissioner and found that the report of the Commissioner is no way useful to decide the revision.

18. It is to be noted that bonafide requirement has to be decided on the date of the petition and not on the basis of the subsequent events intervening due to many years of litigation and the same cannot have a bearing since the crucial date is the date of the petition to decide the bonafide of the landlady. Therefore, I am of the view that even assuming that some rooms are vacant as per the Commissioner's Report in the rear side, it cannot be presumed that vacant rooms are suitable for non residential purpose. The Commissioner Report also clearly indicate that those rooms are non residential portions. That being the position, merely because a separate finding has not been given with regard to the documents sought to be marked, it cannot be said that the same amounts to error apparent on the face of the record.

19. It is also to be noted that it is well settled that in the Constitution Bench judgment in **Hindustan Petroleum Corporation Ltd. Vs. Dilbahar Singh** reported in **2014 (5) CTC 217**, the Honourable Supreme Court has held that High

Court not to interfere with the findings of the facts recorded by the Court or authority by way of reappreciation of evidence. However, when the facts recorded by the Court or authority is perverse or arrived at without consideration of the material evidence or such findings is based on no evidence or misreading of evidence, which resulted in miscarriage of justice, the same is open to correction in a revisional jurisdiction. I have carefully gone through the findings arrived by the Courts below and in fact, the Courts below have arrived at a conclusion on the basis of the factual aspects placed by way of evidence on both sides. This Court, while dismissing the revision has also gone through the findings as well as the evidence and concurrent with the findings of the Courts below and closed the connected miscellaneous petitions.

20. In a judgment in **Gaya Prasad Vs. Pradeep Srivastava** reported in **2001 (2) SCC 604**, it has been held as follows :

“10. We have no doubt that the crucial date for deciding as to the bona fides of the requirement of the landlord is the date of his application for eviction. The antecedent days may perhaps have utility for him to reach the said crucial date of consideration. If every subsequent development during the post petition period is to be taken into account for judging the bona fides of the requirement pleaded by the landlord there would perhaps be no end so long as the unfortunate situation in our litigative slow process system subsists. During 23 years after the landlord

moved for eviction on the ground that his son needed the building, neither the landlord nor his son is expected to remain idle without doing any work, lest, joining any new assignment or starting any new work would be at the peril of forfeiting his requirement to occupy the building. It is a stark reality that the longer is the life of the litigation the more would be the number of developments sprouting up during the long interregnum. If a young entrepreneur decides to launch a new enterprise and on that ground he or his father seeks eviction of a tenant from the building, the proposed enterprise would not get faded out by subsequent developments during the traditional lengthy longevity of the litigation. His need may get dusted, patina might stick on its surface, nonetheless the need would remain intact. All that is needed is to erase the patina and see the gloss. It is pernicious, and we may say, unjust to shut the door before an applicant just on the eve of his reaching the finale, after passing through all the previous levels of the litigation, merely on the ground that certain developments occurred pendente lite, because the opposite party succeeded in prolonging the matter for such unduly long period.

In our opinion, the subsequent events to overshadow the genuineness of the need must be of such nature and of such a dimension that the need propounded by the petitioning party

should have been completely eclipsed by such subsequent events. A three-Judge Bench of this Court in [Pasupuleti Venkateswarlu vs. Motor and General Traders](#) [1975 (1) SCC 770] which pointed to the need for re-moulding the reliefs on the strength of subsequent events affecting the cause of action in the field of rent control litigation, forewarned that cognizance of such subsequent events should be taken very cautiously. This is what learned Judges of the Bench said then:

13. We affirm the proposition that for making the right or remedy claimed by the party just and meaningful as also legally and factually in accord with the current realities, the court can, and in many cases must, take cautious cognizance of events and developments subsequent to the institution of the proceedings provided the rules of fairness to both sides are scrupulously obeyed.

14. The next three-Judge Bench of this Court, which approved and followed the above decision, in [Hasmat Rai vs. Raghunath Prasad](#) [1981 (3) SCC 103] has taken care to emphasise that the subsequent events should have wholly satisfied the requirement of the party who petitioned for eviction

on the ground of personal requirement. The relevant passage is extracted below:

“Therefore, it is now incontrovertible that where possession is sought for personal requirement it would be correct to say that the requirement pleaded by the landlord must not only exist on the date of the action but must subsist till the final decree or an order for eviction is made. If in the meantime events have cropped up which would show that the landlords requirement is wholly satisfied then in that case his action must fail and in such a situation it is incorrect to say that as decree or order for eviction is passed against the tenant he cannot invite the court to take into consideration subsequent events.”
(Emphasis supplied)

15. The judicial tardiness, for which unfortunately our system has acquired notoriety, causes the lis to creep through the line for long long years from the start to the ultimate termini, is a malady afflicting the system. During this long interval many many events are bound to take place which might happen in relation to the parties as well as the subject matter of the lis. If the cause of action is to be submerged in such subsequent events on account

of the malady of the system it shatters the confidence of the litigant, despite the impairment already caused.”

21. Considering the above dictum and also taking note of the fact that the petition for eviction filed in the year 2006 and the Commissioner has been appointed in the year 2012, during the pendency of the revision and the Commissioner Report also show that some vacant rooms are existing on the rear side of the building which has no direct access from the road, this Court is of the view that even those evidence is brought on record, it will not help the tenant to contend that the requirement of the landlady is not bonafide one. The photographs and the Commissioner's Report also indicate that only ground floor alone, front side is a non residential area. The first floor and the portion situated in the rear side certainly not fit for any business purpose. Therefore, even the report of the Commissioner taken as such, the Commissioner report never show that those places are non residential place and fit for business. In view of the same, merely because a separate finding has not been given by this Court, it cannot be said that the entire Order is vitiated due to the error apparent on the face of the record.

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22. It is for the landlord to chose the building for his/her purpose or her son's business. The tenant cannot dictate the terms to landlady or compel her to have their business in a building, in fact, which is not suitable for any commercial

activity. Hence, I am of the view that when this Court by its Order date 17.09.2004 concurred with the findings of the Courts below and also independently gone through the evidence of P.W.1 and others evidence and dismissed the revision while closing the applications filed in M.P.Nos.1 and 2. Merely because no separate finding was given in the above miscellaneous petitions, it cannot be said that the entire Order of this Court has to be reviewed and the matter has to be argued once again. Further, during the review applications, some other additional documents sought to be filed to show that the son of the landlady has shifted his business from the place originally carrying on business to his own building at 9/5, Ullaramman Koil Street, Old Washermenpet . It is the case of the respondent that the photographs indicating the business is run by the respondent's son. It is to be noted that even assuming that the respondent's son has shifted his business to some other place, that cannot be a ground to decide the bonafide of the landlady. These are all subsequent events which have taken place after several years of litigation.

23. The change of business place is always based on the profit and loss from the particular business at a particular place. The tenant cannot expect the landlady's son or relative to carry on the business in the same place where he was carrying on when the eviction petition has been filed. If such applications are entertained as subsequent events, no landlord can file an application on the ground of bonafide requirement of the building for his or his family member's

business. What is relevant to decide bonafide is the date of the petition. Merely because, some change in business or business place has taken place after a gap of more than 12 years, it cannot be said that those facts are relevant to decide the bonafide of the petitioner in the year 2006, when the eviction petition was filed. Therefore, I do not find any merits in the application for reception of additional documents filed in the review application. Consequently, I do not find any error apparent on the face of the Order of this Court while dismissing the Civil Revision Petition No.2282 of 2011.

24. Accordingly, the review application is dismissed and consequently, the connected Civil Miscellaneous petition No.8513 of 2019 is also dismissed and connected miscellaneous petition in M.P.No.1 of 2015 is closed. No cost.

30.04.2019

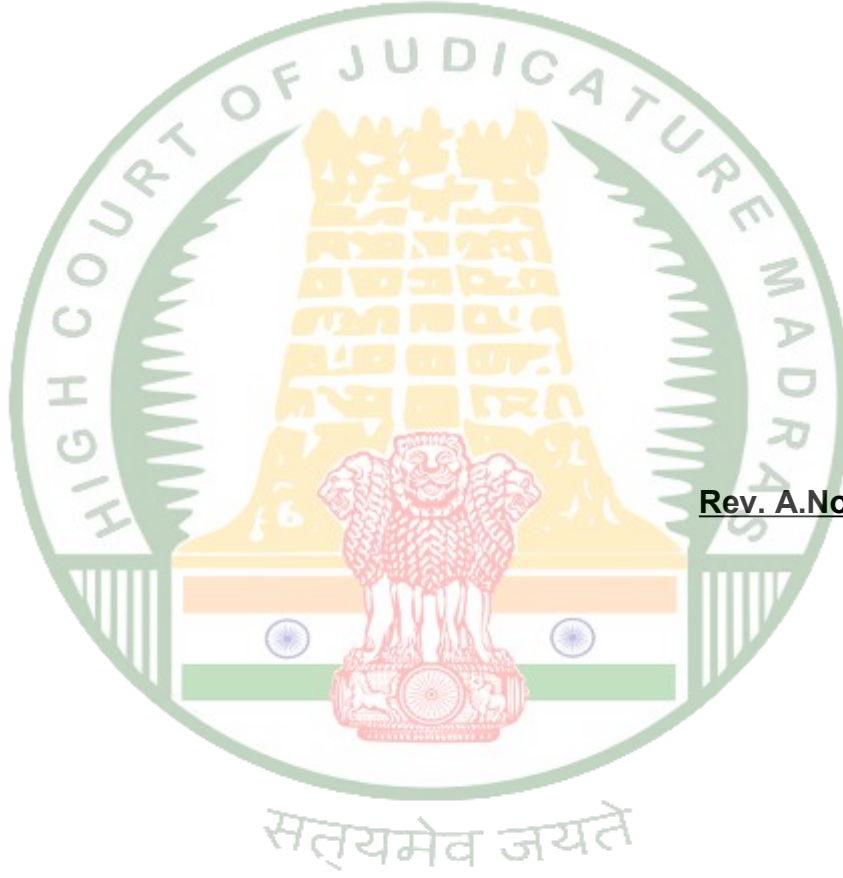
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To

1. The VII Judge,
Court of Small Causes, Chennai.
2. The XII Judge,
Court of Small Causes, Chennai.

N.SATHISH KUMAR, J.

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**Order in
Rev. A.No.33 of 2015**

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