

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 30.01.2019

Pronounced on : 08.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

**CRP.(NPD).Nos.2683 to 2685 of 2016
and
C.M.P.No.13893 of 2016**

1.The National Small Industries Corporation
Ltd., (Regional Office),
rep. by its Regional Manager,
New No.422, Old No.615, Anna Salai,
Chennai-600 006.

2.The National Small Industries Corporation
Ltd., (Head Office),
Vohla Industrial Estate,
Vohla, Delhi.

.. Petitioners in all CRPs.

V.

1.M.Ravindran

2.R.Vijayalakshmi

.. Respondents in all CRPs.

PRAYER in CRP.No.2683 of 2016: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act No.18 of 1960 as amended by Act No.23 of 1973 and Act No.1 of 1980, against the fair and decretal order dated 29.04.2016 passed in RCA.No.248 of 2010 on the file of the learned VIII Judge, Small Causes Court (appellate authority) at Chennai, reversing the fair and decretal order dated 12.03.2010 passed in

RCOP.No.1970 of 2008 on the file of the learned XI Judge, Small Causes Court (Rent Controller), Chennai.

PRAYER in CRP.No.2684 of 2016: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act No.18 of 1960 as amended by Act No.23 of 1973 and Act No.1 of 1980, against the fair and decreetal order dated 29.04.2016 passed in M.P.No.209 of 2012 in RCA.No.248 of 2010 on the file of the learned VIII Judge, Small Causes Court (Appellate Authority) at Chennai, reversing the fair and decreetal order dated 12.03.2010 passed in RCOP.No.1970 of 2008 on the file of the learned XI Judge, Small Causes Court (Rent Controller), Chennai.

PRAYER in CRP.No.2685 of 2016: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act No.18 of 1960 as amended by Act No.23 of 1973 and Act No.1 of 1980, against the fair and decreetal order dated 29.04.2016 passed in M.P.No.55 of 2016 in RCA.No.248 of 2010 on the file of the learned VIII Judge, Small Causes Court (Appellate Authority) at Chennai, reversing the fair and decreetal order dated 12.03.2010 passed in RCOP.No.1970 of 2008 on the file of the learned XI Judge, Small Causes Court (Rent Controller), Chennai.

For Petitioners
in all CRPs.

: Mr.Ajoy Kumar Gnanam

For Respondents
in all CRPs.

: Mr.K.Hari Shankar

COMMON ORDER

By a common order dated 29.04.2016 passed in MP.No.209 of 2012 and MP.No.55 of 2016 in RCA.No.248 of 2010, the learned Rent Control Appellate Authority had permitted the respondents herein to file certain additional documents at the Appellate stage and by granting such a permission, had allowed the appeal in RCA.No.248 of 2010, reversing the eviction order passed in RCOP.No.1970 of 2008 dated 31.07.2008, by placing reliance on those additional documents. The common order passed in the aforesaid MP.No.209 of 2012 & MP.No.55 of 2016 in RCA.No.248 of 2010 dated 29.04.2016 is under challenge in all these three Civil Revision Petitions. Since the issue involved in all the three Civil Revision Petitions are interlinked, a common order is passed in the present revision petitions.

2.Heard Mr.Ajoykumar Gnanam, learned counsel for the petitioners and Mr.K.Harishankar, learned counsel for the respondents.

3.For the sake of convenience, the parties are hereinafter referred to, as per their status before the learned Rent Controller.

Before the learned Rent Controller, the first petitioner herein is the tenant under the respondents herein/landlords and the second petitioner is the head office of the first petitioner.

4.The brief facts of the case is as follows:

a)The first petitioner in all the three Civil Revision Petitions is the tenant under the respondents herein/landlords. The scheduled premises is a building measuring 6,900 sq. feet, bearing Old No.615 and New No. 422, Khivraj Lane, Anna Salai, Chennai-600 006, consisting of three floors.

b)In the eviction petition, the landlords had pleaded that they have purchased the scheduled premises for shifting their offices from their residence and other places, for expansion of their business. Since they do not own any other non residential building in Chennai city, they required the scheduled premises for expansion of their own business accommodation and hence, had filed the eviction petition, invoking the provisions of Section 10(3)(a)(iii) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

c)In the counter affidavit filed before the learned Rent Controller, the tenant had pleaded that the landlords had not

specifically revealed that the nature of business they were carrying on the date of filing of the petition. It is their further statement that the eviction petition requires to be dismissed on the ground that the scheduled premises was not sought for the personal use of the landlords but only for the Company, in which, they have interest. The landlords' plea that they do not own any other non residential building was denied.

d) Before the learned Rent Controller, the power of attorney agent of the landlords was examined as P.W.1 and Exs.P1 to P5 were marked. On the side of the respondents, R.W.1 was examined and Ex.R1, which is an Authorization Letter, was marked.

e) The learned Rent Controller, in the order dated 12.03.2010, had taken into consideration the evidence of P.W.1/Power of Attorney agent, who had deposed that the landlords require the scheduled premises for the purpose of expanding their business of Raj TV and Vissa TV from their residential property. In view of such a plea taken in the oral evidence let in, it was held that the landlords, who are the Managing Directors of the Company, cannot seek for eviction for their own use and occupation. By relying upon the decision reported in **2000 TLNJ 337 [Central Warehousing Cor. Rep by its Regional Manager V. Indersai Goyal]**, the

learned Rent Controller had held that, once a company has been incorporated under the Companies Act, such a requirement cannot be termed to be "the individual's requirements" but "the Company's requirement" and as such had held that they cannot invoke the ground of 'own use and occupation' under Section 10(3)(a)(iii) of the Rent Control Act. While holding that the landlords are not entitled for an order of eviction, the learned Rent Controller had also observed that P.W.1, in the course of cross examination, had admitted that the property in which the companies were presently running was not a non-residential property and as such, held that the requirement of the landlords were not bona-fide.

f) Aggrieved against the order of the learned Rent Controller, the landlords filed an appeal before the learned VIII Judge, Small Causes Court, Chennai in RCA.No.248 of 2010. The grounds raised in the RCA.No.248 of 2010 reiterated the stand of P.W.1 that the scheduled premises was required for the own use and occupation of the landlords, for expanding their office of Raj TV and Vissa TV.

g) When the appeal was pending, the landlords had filed two petitions in CMP.No.209 of 2012 and CMP.No.55 of 2016, seeking for a direction to the Appellate Authority to receive seven additional documents, which were later marked as Exs.P6 to P12. The

additional documents that came to be marked as Ex.P6 to Ex.P12, pertains to a partnership firm in the name of "Rajendras", in which the first landlord was a partner.

h)The learned Rent Control Appellate Authority, while passing orders in CMP.No.209 of 2012 and CMP.No.55 of 2016, had remarked that the landlords had averred in the petition in RCOP.No.1970 of 2008, that they required the scheduled premises for shifting their offices from their residence, for expansion of their businesses and since the partnership business "Rajendras" was also one of the businesses in which the petitioners were involved and which was already in existence, it cannot be deemed to be new pleadings by the landlords and as such, allowed marking of the seven documents as Ex.P6 to Ex.P12.

i)By relying upon these additional documents, the learned Rent Controller had come to the conclusion that since, the first landlord was one of the partner in the partnership firm "Rajendras", the scheduled premises was required for their own use and occupation and as such, had set aside the rejection order of the learned Rent Controller and ordered eviction.

5.The learned counsel for the petitioners submitted that, the stand taken before the Rent Control authority that the purpose of landlords business was in connection with the partnership firm namely, "M/s.Rajendras" is diametrically opposed to the stand taken by them before the learned Rent Controller that the scheduled premises was required for accommodating their offices of their Companies namely, Raj TV Network Ltd., and Vissa TV Network Ltd., which is a totally new pleading. It is the submission that the additional documents sought to be introduced in the Appellate stage in the application in M.P.No.209 of 2012 and M.P.No.55 of 2016 are not backed with any pleadings in the original petition or in the grounds of appeal and that the same have been sought to be introduced to fill up the lacuna. By placing reliance on these additional documents, the learned counsel submitted that even these documents reveals that the partnership firm was reconstituted and pertains to the transactions between 2001 and 2003 and as such, the existence of the partnership firm itself in the year 2016 was highly doubtful. Hence, it is his submission that these documents cannot be marked at the Appellate Stage and thereby, the learned Appellate Authority is not justified in relying upon these documents and ordering eviction.

6.The learned counsel for the landlords, on the other hand submitted that, there was no infirmity in the order of the Appellate Authority. By drawing the attention of this Court to the pleadings before the learned Rent Controller, the learned counsel submitted that it was the specific case of the landlords that they intended to shift their offices from their residence and other places for expanding their business. The learned counsel also submitted that they had purchased the scheduled properties on 06.06.2006, only for the purpose of shifting their offices to the new building and as such, had rightly invoked Section 10(3)(iii) of the Rent Control Act. He would also submit that the nature of their businesses mentioned in the original petition and the nature of the business of the partnership firm "Rajendras", was one and the same. Since the landlord was a partner in the firm, it cannot be said that they have taken a contrary plea in the application seeking for production of additional documents.

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7.The learned counsel would also submit that since they had not referred to their offices to include the businesses of Raj TV and Vissa TV alone, it cannot be said that the reference to their offices meant only these two companies, but would also include the firm, "M/s.Rajendras", in which the first landlord was a partner. By

placing reliance on the additional documents filed, the learned counsel submitted that all these documents clearly evidences the existence of the partnership firm and therefore, there was no infirmity in allowing the documents to be marked as exhibits before the learned Appellate Authority. As such, he would seek for dismissal of the Civil Revision Petitions.

8.I have carefully considered the submissions made by the respective counsels.

9.The learned Appellate Authority, while ordering eviction by reversing the dismissal order of the learned Rent Controller, placed reliance on the additional documents marked as Ex.P6 to Ex.P12. I would therefore, address the question as to whether these documents could be marked at the Appellate Stage and their relevance.

10.Before the learned Rent Controller, the specific pleadings for eviction on the ground of "own use and occupation" is as follows:-

"3.The petitioners/landlords have mainly purchased the above property only for shifting their offices from their residence and other

places, since they are having business which have to be expanded further within the city of Chennai. The petitioners are not having sufficient and adequate places in the present premises occupied by them, since the present premises is in the midst of residences.”

11. On an overall reading of the entire petition, it is seen that the landlords had not mentioned the names of the companies whose offices they intend to shift to the scheduled premises. The tenant had filed their counter statement, pointing out that the names of the businesses has not been referred to in the petition. For the first time, when P.W.1, had filed his proof affidavit, he had indicated that they intend to shift their offices of Raj TV and Vissa TV to the scheduled premises. During the cross examination, P.W.1 had admitted that the scheduled premises was required for their own use and occupation for the offices for the companies of Raj TV and Vissa TV Network Ltd. In support of the oral evidences, Ex.P1 to Ex.P5 were marked before the learned Rent Controller. While Ex.P1 and Ex.P2 are the Deed of General Power of Attorney and Sale Deed of the Scheduled premises respectively, Ex.P3 is the letter of the tenant, Ex.P4 is the extract of the minutes of the meetings and Ex.P5 is the extract of the minutes of the extra general meeting of Vissa TV Network Ltd.

12. Since the issue before the learned Rent Controller, turned out that the landlords required the scheduled premises for accommodating the offices of Raj TV and Vissa TV Network Ltd., the learned Rent Controller had proceeded to decide the petition by holding the ratio that the business of a company incorporated under the Companies Act, cannot be treated as a business of a landlord and consequently, he is not entitled to claim eviction for shifting the offices of incorporated companies to the scheduled premises. The further observation of the learned Rent Controller was that since the businesses of Raj TV and Vissa TV were admittedly being run in the property, which according to them is their residence, the provision under Section 10(3)(a)(iii) of the Rent Control Act has been violated, since the landlords were in occupation of their own residential building and therefore held that, the requirement of the scheduled premises for the own use and occupation of the landlords, was not bona-fide and thereby dismissed the RCOP.No.1970 of 2008 through his order dated 12.03.2010.

13. Challenging the said dismissal order in RCOP.No.1970 of 2008 on the file of the learned XI Judge (Rent Controller), Small Causes Court, Chennai, the landlords had preferred an appeal in RCA.No.248 of 2010 before the learned VIII Judge, Small Causes

Court, Chennai. In the memorandum of grounds of appeal dated 12.04.2010, the landlords had raised nine grounds. All the grounds co-jointly indicated that, the landlords required the scheduled premises for their own use and occupation for accommodating their offices of Raj TV and Vissa TV Ltd. The definite stand of the landlords, as evidenced in their original petition before the learned Rent Controller, read along with the oral evidences of P.W.1, Ex.P4 and Ex.P5 and the grounds of appeal in RCA.No.248 of 2010 was that, they required the scheduled premises only to shift the offices of Raj and Vissa TV.

14.On 21.03.2012, the landlords had filed the miscellaneous petition in M.P.No.209 of 2012 under Rule 12(2) of the Tamil Nadu Buildings (Lease and Rent Control) Rules, 1974, seeking for filing of the Partnership Deed dated 13.06.2000 pertaining to the first landlord's partnership firm "Rajendras". Likewise, they had also filed another application on 29.01.2006 in M.P.No.55 of 2016, under the same provision for filing these additional documents relating to the partnership firm "Rajendras".

15.Rule 12(2) of the Tamil Nadu Buildings (Lease and Rent Control) Rules relates to the procedure for disposal of the applications by the learned Rent Controller and has no applicability

to the proceedings before the learned Appellate Authority. The appropriate provision, if invoked, could only be under Rule 16(2). Nevertheless, such a ground has not been raised before the learned Appellate Authority or in the present revisions and as such this Court intends to address such grounds raised by the parties in the present revision alone.

16. The questions involved in the present revision rests on the interim orders passed by the learned Appellate Authority in the Miscellaneous Petitions, permitting the landlords to file additional documents at the Appellate stage. The main grievance of the petitioner herein is that the learned Appellate Authority was not justified in permitting such additional documents that are not relevant to the pleadings before the learned Rent Controller.

17. This would lead us to the question as to whether the learned Appellate Authority had properly exercised his powers under the Act in receiving the additional documents?

18. A prologue to substantiate this moot question would be to address on the powers and procedures to be adopted by the learned Rent Control Appellate Authority, while dealing with an application under Rule 16(2) of the Tamil Nadu Buildings (Lease and Rent

Control) Rules, 1974, seeking permission for filing additional documents at the Appellate stage.

19. Section 23(3) of the Rent Control Act enables the Appellate Authority to decide an appeal in such manner "as he thinks fit" after giving due opportunity to the parties. The manner to decide, is discretionary, as such.

20. Section 34(2)(b) empowers the Government to frame rules to provide for, inter-alia, the procedure to be followed by the learned Rent Controller and the learned Appellate Authority to exercise their functions under the Act. Rule 16(2) is an outcome of such a rule making power. The said rule empowers the learned Appellate Authority to take additional evidence. But, the mode for such consideration or restriction to exercise in dealing with an application to receive additional evidence, is not specifically provided for.

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21. The powers of the Appellate Authority under Rule 16(2) is akin and can be said to be corollary to Order 41 Rule 27 of CPC. It is made to believe that the provisions of the Civil Procedure Code is not applicable to the Rent Courts. Various decisions of this Court have vouched this proposition and the preponderance of such

judicial opinions almost unanimously holds that the Code of Civil Procedure will not apply to proceedings before the learned Rent Control Authorities. I do not intend to traverse from such judicial findings, except to observe and reiterate that the provisions of the Code of Civil Procedure will not generally apply to Rent Control proceedings, except to the extent provided by the Act itself. Such powers, if made available to the authorities under the Rent Control Act, would amount to enabling such jurisdiction to a Rent Court, which is not a Civil Court. When in matters, where the Court has jurisdiction over the proceedings, but is not specifically instructed with the procedure to be adopted to exercise such jurisdiction, it can be said that the Courts are vested with such "inherent" powers, as contemplated under Order 41 Rule 27 of the Civil Procedure Code, to overcome such impediments, by invoking the rules of justice, equity and good conscience.

22.I am drawing such an inference from the observation of the Hon'ble Supreme Court in **Dhani Devi's case [AIR 1970 SC 759]**, wherein it was observed that, procedural matters of powers, which are specifically denied by the Statute or Rules, should be extended to Tribunals, to facilitate effective exercise of its judicial functions. Likewise, in a decision of this Court in **A.G.Kannappa Nadar V. Krishnaswamy Pillai** reported in **1981 (1) MLJ SN 19**,

the Madras High Court had held that, though the Civil Procedure Code is not made applicable to Rent Courts, yet the rules of justice, equity, good conscience shall be invoked to relieve any difficulties in statutes like the Rent Control Act. The observation made therein reads as follows:

"19. It is no doubt, true that Order 41, Rule 22 of the Code of Civil Procedure, has not been made specifically applicable to proceedings under the Rent Control Act, but even so, the principle underlying that provision has been extended to the hearing of appeals and revisions under the Act. The landlord-respondent in the instant case was undoubtedly, a person affected by the adverse finding of the Appellate Authority, though the ultimate decision was in his favour. Having secured an order in his favour, it was not open to the respondent to prefer an appeal against the decision of the Appellate Authority on the adverse point alone as the ultimate order was in his favour. A landlord who puts forth before the Authorities constituted under the Act several grounds to secure an order for eviction against the tenant, succeeds in establishing one of such grounds and fails in others but ultimately secures an order for eviction in his favour, is nevertheless a person "aggrieved" with reference to those findings against him, if the ultimate decision of the Authorities below is challenged by the

opposite party. In addition, the functionaries under the Act are Authorities with jurisdiction to enquire into applications for eviction, fixation of fair rent etc., and though the entire procedure applicable to civil Courts cannot be applied to those authorities, yet the rules of justice, equity and good conscience shall be invoked to relieve difficulties in statutes like the present. It may even be stated that the respondent had been relieved of the right to an order for eviction on all the grounds and would therefore be a person "aggrieved" in so far as the findings went against him on some points before the Appellate Authority. The grounds upon which an order for eviction may be asked may be many and manifold, but consequent to the findings on the several grounds, the result is neither a dismissal nor an order for eviction and not several such orders based on the different grounds on which the application for eviction is founded. In this view, the payment of court fee for different grounds urged in support of an application for eviction is of no consequence."

23.To sum up, while Section 23(3) enables the learned Appellate Authority to exercise its discretion to decide an appeal, Rule 16(2) of the Tamil Nadu Buildings (Lease and Rent Control) Rules empowers the Appellate Authority to receive additional

evidence and the procedure to be followed therein could be adopted from its corollary, provision from the Civil Procedure Code contemplated under Order 41 Rule 27.

24.While adopting such an analogy, the Appellate Authority shall, self impose such restrictions, while exercising its discretion, by refusing to receive additional evidence, unless, it is satisfied that the Rent Controller had refused to admit the evidence, which ought to have been admitted or that the party seeking for permission to receive additional evidence establishes that, inspite of exercising due diligence, such evidence was not within his knowledge or could not be produced by him otherwise, before the learned Rent Controller. This exercise of adopting the procedure to decide an application to receive additional evidence, is in addition to the jurisdiction vested on the Rent Control Appellate Authority under Section 23(3) of the Rent Control Act r/w.16(2) of the Tamil Nadu Rent Control Rules.

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25.In the light of the above findings, I would now venture to explore the logic adopted by the learned Appellate Authority while dealing with the application made under Rule 16(2) of the Rules.

26.The pleadings before the learned Rent Controller by the

landlords was that they required the scheduled premises to accommodate their offices of various businesses. The name of the offices was not mentioned in the petition. The tenant had opposed the non mentioning of the names of the offices of the landlords' businesses in their counter. P.W.1, for the first time in his proof affidavit, mentioned the names of the offices namely, Raj TV and Vissa TV Ltd. In the cross examination, he had again reiterated that the offices of Raj TV Ltd., and Vissa TV Ltd., were sought to be accommodated in the scheduled premises. The learned Rent Controller also addressed these points and held that since Raj TV Ltd., and Vissa TV Ltd., are Companies incorporated in the Companies Act, the landlords are precluded from seeking for eviction on the ground of "own use and occupation" since it was an 'individual's requirement' and not the 'Companies requirement'. The landlords in their memorandum of grounds of appeal before the learned Rent Control Appellate Authority specifically and categorically reiterated that the scheduled premises was required for their own use and occupation for the purpose of shifting the offices of Raj TV Ltd., and Vissa TV Ltd., from their residential property to the scheduled premises. Thus, their definite stand before the learned Rent Controller and the Appellate Authority was for establishing offices of the aforesaid two companies in the scheduled premises.

27.It seems like the landlords had suddenly realised the observations of the learned Rent Controller to be to their detriment and therefore had turned turtle to their earlier stand and filed a Miscellaneous Petition in M.P.No.209 of 2012, seeking for permission to receive Ex.P6 as an additional document at the Appellate Stage, pertaining to a Partnership Deed in the name and style of "M/s.Rajendras", in which one of the landlords was a partner. Likewise, Ex.P7 to P12 were sought to be marked in another Miscellaneous Petition in M.P.No.55 of 2016, which documents also pertain to the Partnership Firm M/s.Rajendras.

28.The learned Rent Control Appellate Authority had rightly taken up the applications for hearing along with the main appeal, which is also a procedure contemplated under Order 41 Rule 27 of the CPC., as laid down in various decisions of this Court. However, the reasoning given by the learned Appellate Authority for accepting those documents was that, through these additional documents, no new pleadings is sought to be set up by the petitioners, since the details and nature of the businesses referred to in the original eviction petition and the Miscellaneous Petition under Order 16(2) are one and the same.

29.I am afraid that I am unable to accept such a reasoning adopted by the learned Rent Controller for the following reasons.

30.When the landlords came forward with applications seeking to produce additional documents evidencing that one of them was a partner in the firm "M/s.Rajendras" for the purpose of establishing that they required the scheduled premises for accommodating the offices of the partnership firm in the scheduled premises, the basic and relevant doubts which ought to have arisen in the mind of the learned Appellate Authority, should have been as follows:

a)Whether the landlords originally intended to use the scheduled premises for their 'own use and occupation' for shifting the office of their partnership firm M/s.Rajendras?

b)Whether the pleadings and the other evidences before the learned Rent Controller indicated that the office of M/s.Rajendras was sought to be accommodated in the scheduled premises?

c)If that be so, whether Exs.P6 to P12 could not be produced before the learned Rent Controller at the earliest point of time inspite of due diligence?

31.If the learned Appellate Authority had posed the aforesaid queries to its mind, the answer to the same would be an emphatical “no”, in view of the apparent statements in the pleadings; in the petition; and in the evidences, both oral and documentary, before the learned Rent Controller. On the contrary, the petition averments, as well as the oral evidence of P.W.1, indicates that the scheduled premises was required only for the purpose of accommodating M/s.Raj TV Ltd., and Vissa TV Ltd., and the learned Rent Controller was never appraised of the existence of the Partnership Firm, “M/s.Rajendras”.

32.When the learned Rent Controller had also, without contradiction, proceeded to decide the petition on the footing that the landlords required the scheduled premises for their 'own use and occupation' for the purpose of their businesses of Raj TV and Vissa TV., the Miscellaneous Petitions filed before the learned Appellate Authority could only be held to have been made for the purpose of rectifying the stands taken and the consequent findings of the learned Rent Controller. In other words, the applications must be deemed to have been taken only to rectify the discrepancies and fill up the lacuna. As such, it can be said that the

landlords were only attempting to introduce a new set of pleadings before the Appellate Authority, through their applications. On a co-joint appreciation on the indifferent stands taken by the landlords, their requirement, even if admitted so, cannot be termed to be a 'bona-fide requirement'.

33. Yet another feature which the learned Appellate Authority failed to notice while allowing the Miscellaneous Petitions, permitting additional evidences is that, Exs.P6 to Ex.P12, at the most, indicates that one of the landlords was a partner of M/s.Rajendras between the years 2001 and 2003. The eviction petition came to be filed on 31.07.2008 and there is absolutely nothing in these documents to indicate that the alleged partnership firm was in existence in the year 2008. The tenant had, in his counter to the said applications, raised a ground doubting the existences of the partnership firm itself in the year 2008, which aspect has not been dealt with by the learned Appellate Authority. All these could only indicate that the new plea of bringing the partnership firm into picture was without any subjective satisfaction of the learned Appellate Authority to exercise its discretion and to permit such additional documents at the Appellate stage.

34.If the landlords intended to evict the tenant on the ground of 'own use and occupation' for the purpose of shifting their partnership firm, nothing prevented them from producing these additional documents, which pertains to the year 2001 and 2003 before the learned Rent Controller. Even otherwise, the pleadings touching upon the partnership firm was conspicuously absent and as such, all these aspects should have been considered by the learned Appellate Authority and the Miscellaneous Petitions ought to have been rejected. Thus, in my view, the learned Rent Control Appellate Authority had gravely erred in allowing the applications seeking for letting in additional evidence.

35.The decision of the learned Appellate Authority, reversing the findings of the learned Rent Controller and ordering eviction, was only on the ground that the landlords required the scheduled premises for their own use and occupation for shifting the office of M/s.Rajendras, which findings are founded on the additional documents marked in Exs.P6 to Ex.P12. Since I have already held that the order permitting additional evidences itself is illegal, the consequent order of eviction, is also bad in law and thereby, is liable to be set aside.

36.For all the foregoing reasons, the fair and decretal orders made in RCA.No.248 of 2010, M.P.No.209 of 2012 and M.P.No.55 of 2016 dated 29.04.2016 respectively are set aside. The Civil Revision petitions are thus allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

08.02.2019

Index : Yes
Order :Speaking

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To

1.The VIII Judge, Small Causes Court
(Appellate Authority) at Chennai.

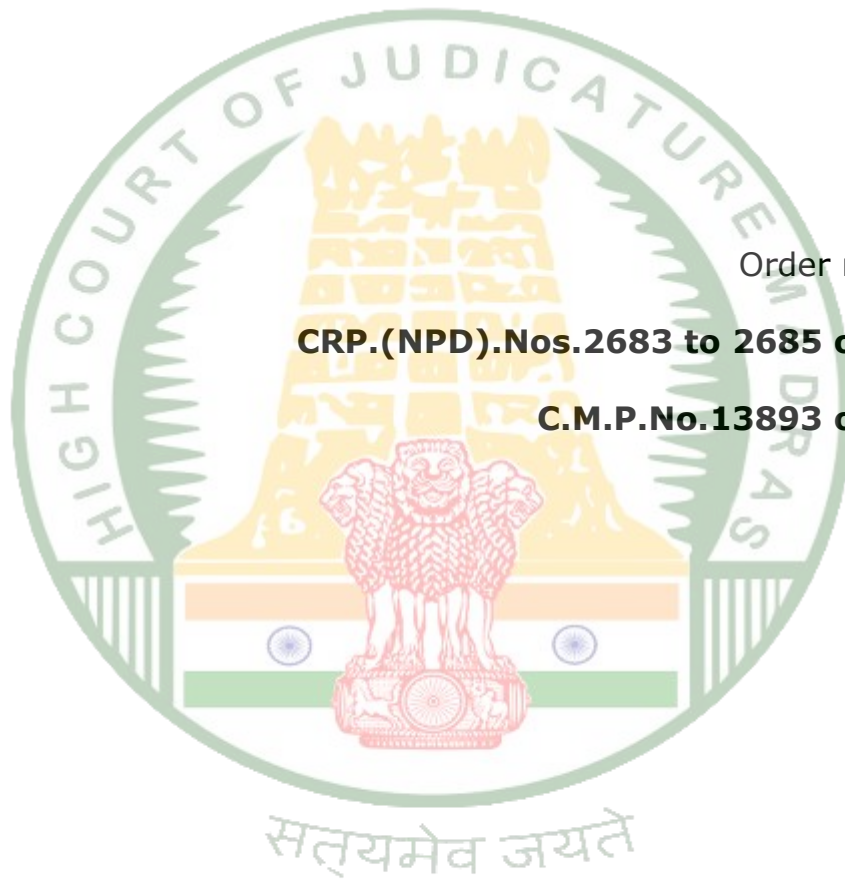
2.The XI Judge,
Small Causes Court (Rent Controller),
Chennai.



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M.S.RAMESH, J.

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