

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

CRP (PD) NO.1994 OF 2019
AND CMP NO.12971 OF 2019

P.M.Jameel Ahmed

... Petitioner

Versus

1.Ahamed Begum Sahiba
2.L.A.Mod Abdul Khader

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 28.02.2019 made in I.A.No.16 of 2018 in R.C.O.P.No.11 of 2018 on the file of the Rent Controller, District Munsif Court, Ambur, Vellore District.

For Petitioner : Mr.G.Mohameed Aseef

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The petitioner is the respondent before the Rent Controller.

At the time of his evidence, he wanted to file certain documents. The

Rent Controller has permitted him to mark document Nos.2 to 7, but refused to mark document no.1, which is Hiba. Hiba is said to have been executed in the year 2000, whereas Rent Control Petition was filed only in the year 2015 and he has also filed counter affidavit in the year 2015 itself. In the counter affidavit, he has not pleaded anything about the Hiba and therefore, the Rent Controller has held that without pleading, evidence cannot be put forth. I do not find any infirmity in the order and the petitioner can prove his right through other evidence.

2. Learned counsel for the petitioner would submit that the petitioner in the RCOP is the sister and there are chances for settlement. Hence, it is open to the petitioner, to approach the Rent Controller for referring the matter for mediation.

3. The Civil Revision Petition is disposed of with the above observation. No costs. Consequently, connected civil miscellaneous petition is closed.

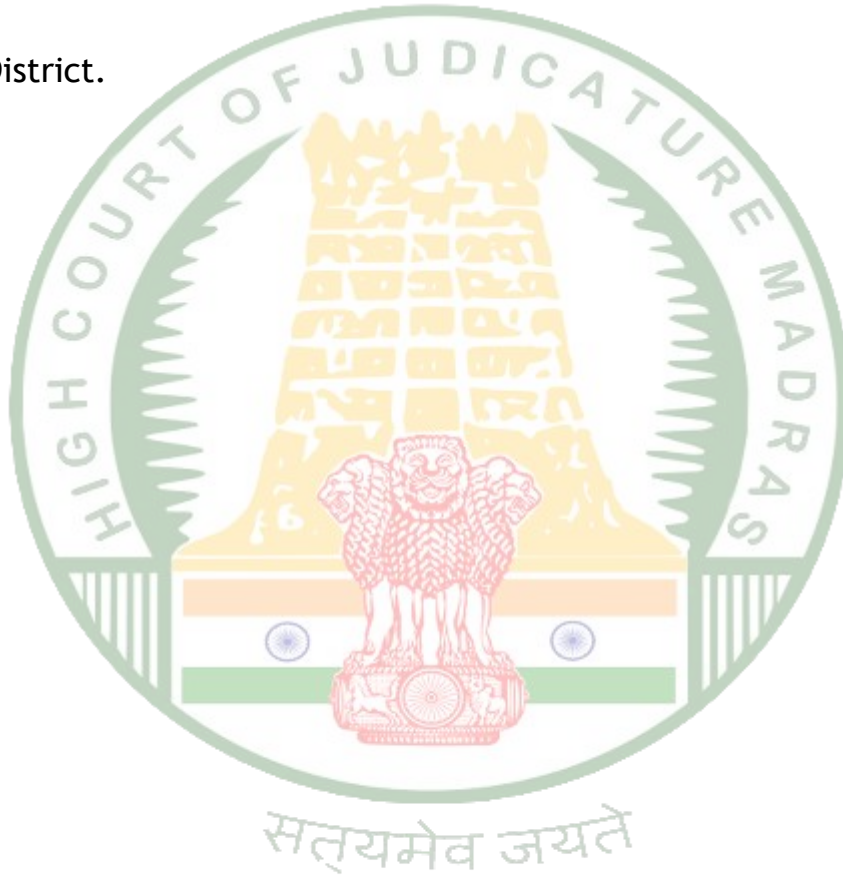
23.07.2019

Index : Yes/No
Internet : Yes/No

Speaking / Non speaking order
TK

To

The Rent Controller
District Munsif Court
Ambur,
Vellore District.



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M.GOVINDARAJ, J.

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