



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2019

CORAM :

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

CRP(MD) Nos.619 & 620 of 2019

and

C.M.P. (MD) Nos.3160 & 3161 of 2019

Arumugam

... Petitioner/Petitioner/Respondent/Tenant
in both C.R.Ps.,

vs.

Virudhunagar Kottaipatti Hindu,
Era Kolla Rajakambala (Thottiya Naicker),
Pothunala Sangam,
through its President,
Chinnamarayan,
S/o. P.C.Ramakrishnan,
No.7A, Kattabomman Street,
Virudhunagar.

... Respondent/Respondent/Petitioner/Land lord
in both C.R.Ps.,

COMMON PRAYER:- Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 28.01.2019 passed in I.A.Nos.51 & 52 of 2018 in R.C.O.P.No.12 of 2015 on the file of the District Munsif (Rent Controller) Court, Virudhunagar by allowing this Civil Revision Petition.

For Petitioner
in both C.R.Ps., : Mr.M.Kannan

For Respondent
in both C.R.Ps., : Mr.N.Dilip Kumar

COMMON ORDER

These Civil Revision Petitions have been filed to set aside the order dated 28.01.2019 passed in I.A.Nos.51 & 52 of 2018 in R.C.O.P.No.12 of 2015 on the file of the District Munsif (Rent Controller) Court, Virudhunagar.



2. Before the Rent Controller, the petitioner herein is the tenant and the respondent herein is the landlord. For the sake of convenience, the parties will be referred to as per their rank before the Rent Controller.

3. R.C.O.P.No.12 of 2015 was filed by the landlord by stating that he is the owner of the property, but he is not the owner of the said property. Apart from that he has not stated the important facts in his counter statement and hence, he has filed an additional counter statement in the said petition. In view of proving the said contention, the landlord has made an additional counter statement and the tenant has filed the said I.As., to recall P.W1 for further cross-examination and to re-open the case.

4. The landlord objected the same by stating that the said R.C.O.P., was filed for eviction on the ground of wilful default and the tenant has also failed to pay the rent and after closing the evidence on the side of the landlord and the tenant, the case was posted for judgment on 06.01.2018. Further, the landlord contended that without submitting the arguments, the tenant has filed an applications in I.A.Nos.7 and 8 of 2018 to re-open the case and to advance the hearing. Even after those petitions, since there was no representation on the side of the tenant, the case was posted for judgment by 25.04.2018.

5. After considering the arguments advanced by the learned counsel and on perusing the records, the Rent Control Authority dismissed the said applications by stating that the tenant was given sufficient opportunities for advancing his arguments, but in spite of that he has filed these petitions only to prolong the case. Aggrieved by the said order, the present Civil Revision Petitions have been filed.

6. Heard the learned counsel on either side.

7. On hearing the learned counsel and on perusal of the records, it is observed that the Rent Control Authority has given reasonable time for the date of hearing of the case, but the tenant did not make any representation. Even on the specific date and also even after the reasonable time given by the Rent Control Authority, no arguments were advanced by the tenant and thereafter, the case was posted for judgment. Hence, the purpose of filing the present petitions is not genuine, since the order was passed in I.A.Nos.51 & 52 of 2018 in R.C.O.P.No.12 of 2015 based on the facts and circumstances of the case, evidence and records. Hence, the order dated 28.01.2019 passed in I.A.Nos.51 & 52 of 2018 in R.C.O.P.No.12 of 2015 on the file of the District Munsif (Rent Controller) Court, Virudhunagar, is very much reasonable, which does not warrant any interference of this Court.



8. Accordingly, these Civil Revision Petitions are dismissed with cost of Rs.500/- each. The petitioner herein/tenant is directed to pay a sum of Rs.500/- each to the credit of Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order. The learned District Munsif (Rent Controller), Virudhunagar, is directed to dispose of the case in R.C.O.P.No.12 of 2015, without giving any more adjournments, within a period of one month from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

To

The District Munsif, (Rent Controller)
Virudhunagar.

Copy to

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-61635[F] dated 22/04/2019)

+1 CC to M/s.M.KANNAN, Advocate (SR-62094[F] dated 24/04/2019)

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