

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07 / 09 / 2020

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

CRP (NPD) NOS.1747 AND 1832 OF 2019

AND

CMP NOS.11171 AND 12072 OF 2019

1.T.Gandhi
2.M.Muthukumar

... Petitioners
in both CRPs'

Vs.

V.Padma

... Respondent
in both CRPs'

PRAYER: Civil Revision Petitions filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act (Act 18 of 1960) as amended by Act 23 of 1974 and Act 1 of 1960 against the decree and judgment passed in R.C.A.Nos.531 of 2015 and 532 of 2015 respectively dated 28.03.2017 on the file of VIII Court of Small Causes at Chennai (Rent Control Appellate Authority) confirming the fair and decretal order passed in M.P.Nos.287 and 288 of 2015 respectively in R.C.O.P.No.2127 of 2011 dated 26.08.2015 on the file of the XV Judge, Court of Small Causes at Chennai (Rent Controller).

For Petitioners : Mr.T.K.Viswanath
(in both CRPs')

For Respondent : Mr.P.B.Ramanujam
(in both CRPs')

COMMON ORDER

These Civil Revision Petitions are preferred against the order of dismissal of the petitions to reopen the case and reject the document marked as Ex.P5.

2. The petitioners claim themselves as tenants under the respondent/landlady. The petitioners, originally filed a Suit in O.S.No.5996 of 2011 against the respondent / landlady for permanent injunction. In the Suit, the petitioners let in evidence as P.W.1. The certified copy of the deposition in O.S.No.5996 of 2011 was marked as Ex.P5 during the cross examination of the petitioners / tenants. The matter was posted for arguments. At that stage, the petitioners / tenants filed petitions that the document marked as Ex.P5 is not admissible in evidence and therefore, the case should be reopened and the document marked as Ex.P5 shall be rejected.

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3. I have heard the submissions made on either side and perused the materials available on record.

4. It is well settled that the documents once marked cannot be rejected unless it is categorically proved that it is inadmissible in law. In the instant case, the document was marked during the cross examination of petitioners as R.W.1 in the Rent Control Proceedings. The document was marked with objections raised by them. Whether the documents are admissible or inadmissible and whether it could be relied on or not will be tested only at the time of passing orders. Once a document is marked, it is not open to the parties to ask for rejection of documents. In such view of the matter, the petition to reopen the case and reject the document marked as Ex.P5 is not sustainable.

5. Both the Civil Revision Petitions merits no consideration and accordingly, stand dismissed. However, it is open to the parties to raise their objections at the time of arguments. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

07 / 09 / 2020

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M.GOVINDARAJ, J.

TK

To

- 1.The VIII Judge (Rent Control Appellate Authority)
VIII Court of Small Causes
Chennai.
- 2.The XV Judge (Rent Controller)
XV Court of Small Causes
Chennai.



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