



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P. (PD) (MD)No.384 of 2020

and

C.M.P. (MD).No.2290 of 2020

Ramjam Begam

... Petitioner/Petitioner/Respondent

vs.

T.Kannadhasan

... Respondent/Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Section 227 of the Constitution of India, against the fair and decreetal order, dated 05.02.2020 passed by the learned Principal District Munsif, Aruppukottai District, in I.A.No.1 of 2020 in RLTOP No.8 of 2019.

For Petitioner : Mr.K.P.Narayanakumar

ORDER

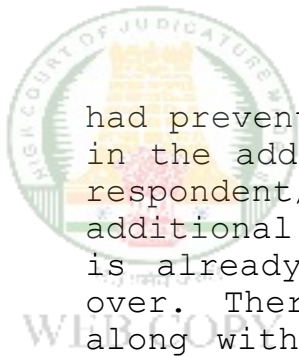
This civil revision petition has been filed against the order dated 05.02.2020 passed by the learned District Munsif, Aruppukottai in I.A.No.1 of 2020 in RLTOP No.8 of 2019.

2.The learned counsel for the petitioner would submit that the petitioner is a tenant in RLTOP No.8 of 2019 filed by the respondent/landlord, for eviction. During the pendency of the said RLTOP, the petitioner/tenant has filed I.A.No.1 of 2020 for receiving additional counter on the respondent side. The Rent Controller dismissed the said I.A on the ground that only to drag on the proceedings, the said I.A was filed. Aggrieved over the same, the present Civil Revision Petition is filed.

3.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4.The respondent filed a petition in RLTOP No.8 of 2019 before the Rent Controller/Principal District Munsif, Aruppukottai and a detailed counter statement has also been filed and subsequently, the respondent was examined as P.W.1 and when the matter was posted for cross-examination of the petitioner herein/respondent therein, the petitioner herein has filed a petition in I.A.No.1 of 2020 in RLTOP No.8 of 2019 to file additional counter on the respondent side.

5.On a careful perusal of the order passed by the Rent Controller, this Court does not find any perversity in the order passed by the Court below and there is no reason stating that what



had prevented the petitioner/tenant from giving the details provided in the additional counter at the time of filing her counter and the respondent/landlord will be put into trouble in case of the additional counter being received, as the enquiry in main petition is already commenced and the Chief Examination of P.W.1 was also over. Therefore, the application to file the additional counter along with the details of the suit filed by the petitioner before the Subordinate Court, Aruppukkottai as against the respondent/landlord and the suit was filed only on 02.01.2020 and the earlier counter filed by the petitioner in the main rent control petition was filed by the petitioner on the same date ie., on 02.01.2020. Therefore, only to drag on the proceedings, the I.A was filed.

6.The suit in O.S.No.39 of 2018 was pending from the year 2018, the RLTOP No.8 of 2019 filed in the year 2019 and the trial has already been commenced and the Chief examination of P.W.1 was also over and the respondent herein was a party to the suit in O.S.No.39 of 2018. Even he can very well raise and elicit the facts in the cross examination, for which, no additional counter is necessary, as rightly pointed out by the Rent Controller and only to drag on the proceedings, the petitioner has filed the said I.A., after the chief examination of P.W.1.

7.Under these circumstances, this Court does not find any perversity in the order passed by the Rent Controller in I.A.No.1 of 2020 in RLTOP No.8 of 2019. Hence, this Civil Revision Petition is devoid on merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Principal district munsif,
Aruppukkottai.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-9614[F] dated 02/03/2020)

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-9996[F] dated 04/03/2020)

C.R.P. (PD) (MD) No.384 of 2020
02.03.2020