



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P (MD)Nos.898 and 899 of 2019

and

C.M.P. (MD)No.5204 of 2019

in

C.R.P. (MD)No.898 of 2019

WEB COPY

S.Gandhirajan

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

-Vs-

1.A.K.J.Safia Kathoon

2.A.K.J.Mohammed Asgar

...Respondents in both C.R.Ps.
/ Petitioners / Petitioners

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 02.02.2019 made in I.A.Nos.174 and 175 of 2018 in R.C.O.P.No.41 of 2016 on the file of the Rent Controller / Principal District Munsif, Thoothukudi.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.M.P.Senthil

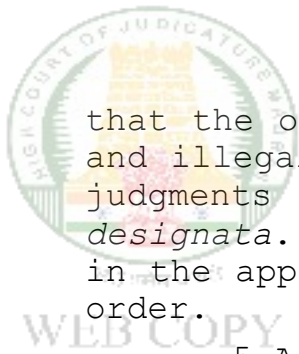
COMMON ORDER

These Civil Revision Petitions have been filed challenging the order of the Rent Controller / Principal District Munsif, Thoothukudi, for recalling P.W.1 and reception of certain documents.

2.The Rent Controller has allowed those petitions on payment of costs. As against which, the present petitions are filed by the tenant.

3.The only contention of the learned counsel appearing for the appellant that the petitions have been filed only under Order 18 Rule 17 of C.P.C., and under Order 7 Rule 14(2) of C.P.C. The code of Civil Procedure is not applicable to the rent control proceedings. Therefore, the petitions to recall P.W.1 and reopen the case are not maintainable.

4.I have perused the entire materials. The Rent Controller has granted liberty to the petitioner to file documents and also reopen the case. It is well settled that mere wrong quoting of the provisions is not a ground to defeat the rights of the parties. Hence, merely because the relevant rules in the Rent Control Act has not been quoted in the petition, that cannot be a ground to hold



that the order passed by the Rent Controller suffers from infirmity and illegality. Even assuming that now, it is also held in various judgments that the Rent Controller is also a Court not a *persona designata*. In such view of the matter, mere quoting wrong provision in the application, that cannot be a ground to set aside the entire order.

5. Accordingly, I have find no infirmity in the order passed by the Rent Controller. Hence, both the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

To

The Rent Controller / Principal District Munsif,
Thoothukudi.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-3592[F] dated 29/01/2020)

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-3473[F]

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SMA/07/02/2020/2P/4C