

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (PD) No.1578 of 2021

A.Saravanane

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Petitioner /
Respondent

versus

Gilda Joshiane Iroudayamarie Samuel,
D/o.Late Samuel
Rep. by her Power Agent
S.Palanivel
S/o.Subramanian
No.33, Needarajappayer Street,
Puducherry - 605 001.

...

Respondent /
Petitioner

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to struck off the petition in H.R.C.O.P. No.14 of 2017 pending on the file of the learned Principal District Munsif-cum-Rent Controller, Puducherry.

For Petitioner : Mr.M.Gnanasekar

ORDER

This Civil Revision Petition is filed seeking direction to struck off the petition in H.R.C.O.P. No.14 of 2017 on the file of the learned Principal District Munsif-cum-Rent Controller, Puducherry.

2. The learned counsel for the petitioner submitted that, both the petitioner and the respondent are tenants in respect of the property. However, the respondent created forged and fraudulent Settlement Deed dated 26.12.2016 and on the basis of that fraudulent Settlement Deed, she filed the present H.R.C.O.P. on the ground of wilful default and denial of title. It is submitted by the learned counsel for the petitioner that, the Settlement Deed dated 26.12.2016 in favour of the respondent, was set aside on 01.06.2018.

3. This H.R.C.O.P. was filed in the year 2017 and the alleged Settlement Deed dated 26.12.2016 had come into existence in the year 2018. Even as per the prayer in H.R.C.O.P. No.14 of 2017, eviction petition was filed on the ground of denial of title. It is seen from the stage of the case that the counter has been filed and posted for enquiry on 06.02.2018. Respondent claims ownership to the schedule property on the basis of Settlement Deed dated 26.12.2016, which according to the petitioner was set aside on 01.06.2018. Apparently, there is an issue involving the title to the tenanted premises. Eviction Petition is filed on the

ground of denial of title also. This Court is of the considered view that this particular issue should be tried before the trial Court in the course of enquiry. There are triable issues involved in this case. This matter should be necessarily enquired on the basis of the oral and documentary evidence by the parties.

4. In such view of the matter, this Civil Revision Petition is dismissed, with direction to the learned Principal District Munsif-cum-Rent Controller, Puducherry, to dispose of H.R.C.O.P. No.14 of 2017, on merits and in accordance with law, as expeditiously as possible, preferably, within a period of three (3) months from the date of receipt of a copy of this order. However, there is no order as to costs.

11.08.2021

Speaking order / Non-speaking order

Index : Yes / No

sri

To

The Principal District Munsif-cum-Rent Controller,
Puducherry.

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G.CHANDRASEKHARAN, J.

sri



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