



*C.R.P.(PD).No.2484 of 2021*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**

**C.R.P.(PD).No.2484 of 2021**

**and**

**C.M.P.No.18745 of 2021**

A.Ayub Ali

.. Petitioner

Vs.

A.S.ParvezAhamed

.. Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 21.01.2021 made in I.A.No.9 of 2020 in RCOP.No.12 of 2015 on the file of the I Additional District Munsif Court, Erode, by allowing the Civil Revision Petition.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.Kaithamalai Kumaran  
for caveator

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**ORDER**

Challenge in this Revision is to the order of the Rent Controller dated 21.01.2021 made in I.A.No.9 of 2020, an application seeking permission to file additional counter statement.

2. Eviction was sought for in RCOP.No.12 of 2015 on the ground of willful default. The respondent filed a counter to the Original Petition stating that he suffers from fits and intermittent loss of memory. Subsequently, his wife was appointed as his guardian, since the Medical Board found him incapacitated. On appointment, the guardian filed the instant application, seeking permission to file additional counter statement. This was opposed on the ground that it is only to delay the eviction proceedings. It was also pointed out that the Rent control proceeding being a summary proceeding, a detailed counter statement or reply statement etc., are not necessary.

3. The learned Rent Controller upon consideration of the contents of the additional counter statement concluded that the additional counter statement is nothing but an explanation of the original counter statement



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that has been filed and the same is not required. It was also concluded that the additional counter statement does not deal with the merits of the Rent Control Original Petition. On the above conclusions, the Rent Controller dismissed the application .

4. I have heard Mr.M.Guruprasad, learned counsel appearing for the petitioner.

5. Mr.M.Guruprasad, would vehemently contend that the first counter statement filed by a person who was mentally incapacitated ought not to remain on record, therefore, after appointment of the guardian, the guardian has come up with this application seeking permission to file additional counter statement.

6. In his counter statement itself, the petitioner himself has stated that he suffers from intermittent loss of memory. May be, subsequently the disease has become more serious and he became incapacitated, that alone is not a ground to allow the petitioner to file additional counter statement



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when it does not set out anything new. The Rent Controller found that the scope of the dispute under Section 10(2)(1) being very narrow, filing of additional counter statement is not necessary.

7. I do not find any reason to interfere with the conclusion of the learned Additional District Munsif. The Revision therefore fails and is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

8. It is made clear that the original counter statement filed will be taken as counter statement filed by the respondent and the same shall not be rejected on the ground that it is filed by a mentally incapacitated person.

**19.11.2021**

dsa

Index : No  
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Speaking order

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To

The I Additional District Munsif,  
Erode.



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**R.SUBRAMANIAN, J.**

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**19.11.2021**