

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.3658 of 2017
and C.M.P.No.17021 of 2017

C.B.Nanda Gopal (Deceased)

1.C.N.Poongodi

2.C.N.Yasodha

3.C.N.Krishnaveni

4.C.N.Prithvirajkumar

... Petitioners

Vs.

M.Mohammed Akbar

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree dated 04.07.2016 made in M.P.No.696 of 2015 in M.P.No.560 of 2013 in R.C.O.P.No.750 of 2013 on the file of the XIII Small Causes Court, Chennai and consequently, direct for forensic verification of Exhibits R1 and R2.

For Petitioners : Mr.P.C.Hari Kumar

For Respondent : No appearance

ORDER

(The matter is heard through 'video conferencing/hybrid mode')

This Civil Revision Petition is filed against the judgment and decree dated 04.07.2016 made in M.P.No.696 of 2015 in M.P.No.560 of 2013 in R.C.O.P.No.750 of 2013 on the file of the XIII Small Causes Court, Chennai and consequently, direct for forensic verification of Exhibits R1 and R2.

2.The petitioners are legal heirs of one C.B.Nanda Gopal. The said C.B.Nanda Gopal filed R.C.O.P.No.750 of 2013 against the respondent, for eviction on the ground of wilful default. The respondent filed counter statement on 03.10.2003. Pending R.C.O.P., said C.B.Nanda Gopal died. The present petitioners were brought on record as petitioners in R.C.O.P. The petitioners filed M.P.No.696 of 2015 under Section 45 of the Indian Evidence Act, 1872, to refer the Rental Receipts dated 01.08.2013 and the No Objection letter dated 12.08.2013, which were marked as Exs.R1 and R2 for Expert Opinion, to compare the signatures in those documents with the signature of the petitioner's father in R.C.O.P., on the ground

that their father filed application under Section 11(4) of the Act. During pendency of application under Section 11(4) of the Act, the respondent let in evidence as R.W.1 and filed proof affidavit along with certain documents and the matter was posted for cross-examination of R.W.1. At that time, their father died due to their old age, leaving the petitioners. The petitioners were impleaded as parties and they applied for certified copies of the documents filed in support of the proof affidavit filed by the respondent and found that those documents were manipulated and fabricated as if it was signed by their father. In view of the same, they filed the present Petition. The learned Rent Controller dismissed the M.P. Against the said order of dismissal 04.07.2016 made in M.P.No.696 of 2015 in M.P.No.560 of 2013 in R.C.O.P.No.750 of 2013, the present Civil Revision Petition has been filed.

3. When the Civil Revision Petition is taken up for hearing, the learned counsel appearing for the petitioners submitted that the sole respondent in R.C.O.P., as well as in the C.R.P. died and seeks permission of this Court to withdraw the Civil Revision Petition with

liberty to withdraw the petition filed by their father under Section 11(4) of the Act and proceed with the R.C.O.P., impleading the legal heirs of the respondent/tenant.

4. Recording the submission made by the learned counsel appearing for the petitioners, this Civil Revision Petition is dismissed as withdrawn. The petitioners are at liberty to withdraw the petition in M.P.No.560 of 2013, filed under Section 11(4) of the Act and file petition to implead the legal heirs of the respondent in R.C.O.P. The R.C.O.P. is of the year 2013. The learned XIII Judge, Small Causes Court, Chennai, is directed to dispose of the same as expeditiously as possible, in any event, within a period of one year from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

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The XIII Judge,
Small Causes Court,
Chennai,

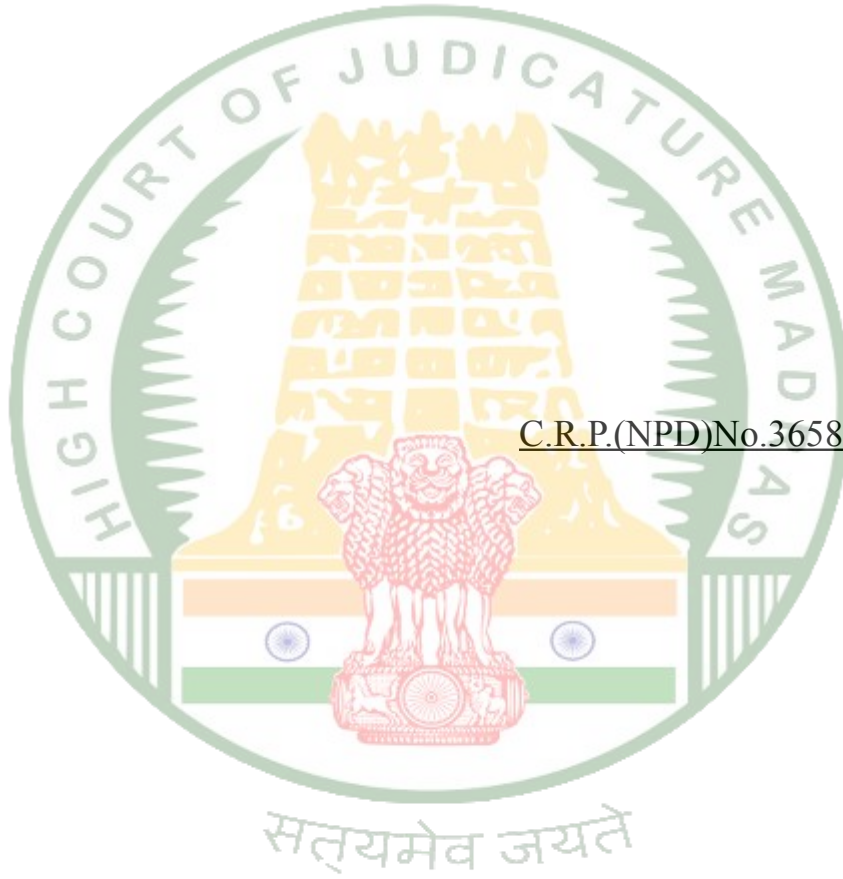


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