



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2021

CORAM:

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

REV.APLC(MD)No.262 of 2019

and

C.M.P. (MD)No.12282 of 2019

T.N.Prakash

: Applicant/Respondent

Vs.

J.Amrit

: Respondent/Petitioner

PRAYER: Petition filed under Section 114 and Order 47 Rule 1 & 2 of the Civil Procedure Code seeking to review and recall the order dated 28.03.2018 made in C.R.P. (NPD) (MD)No.1001 of 2011.

Prayer in CRP(MD). 1001 of 2011 :

Civil Revision petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 18/196C as amended by Tamil Nadu Act 23/1973, to set-aside the judgment and decree dated 16.03.2011 made in R.C.A. No.65 of 2007 on the file of Principal Sub Court, Madurai by confirming the judgment and decree dated 11.12.2006 made R.C.O.P No.2 of 2002 on the file of learned Principal District Munsif Court, Madurai Town.

For Petitioner : Mr.J.Barathan

For Respondent : Mr.M.S.Suresh Kumar

ORDER

Upon hearing the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondent, I am of the opinion that the petitioner has made out a case for reviewing the order dated 28.03.2018 made in C.R.P. (MD)No.1001 of 2011.

2. It is apparent that there are errors on the face of the record, as seen from the order itself. A non-existent document has been referred to and the additional evidence that was sought to be placed by both the parties was not looked into. There is no reason assigned to reject the applications for additional evidence. Of course, the revision being one under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, the provisions of Order XLI Rule 27 of the Civil Procedure Code may not apply, but, this Court had held that subsequent events can be looked into by the revisional Court by receiving additional evidence wherever it deems fit. Hence,



the review application is allowed and the order dated 28.03.2018 is set aside and the civil revision petition is restored to file. Consequently, connected miscellaneous petition is closed.

3. The civil revision petition in C.R.P.(MD)No.1001 of 2011 is directed to be listed for rehearing on **22.03.2021**.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Gk

To

1.The Principal Subordinate Judge, Madurai.

2.The Principal District Munsif, Madurai Town.

Copy to

1.The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai (2 copies)

2.The Section Officer, Judicial Section,
Madurai Bench of Madras High Court,
Madurai.
(To be listed for hearing on 22.03.2021)

REV.APLC(MD)No.262 of 2019
15.03.2021

VB (18.03.2021) 2P 6C