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C.R.P. (PD) No.1949 of 2022
& C.M.P.No.9880 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.1949 of 2022
& C.M.P.No.9880 of 2022

Vaduganathan Talkies,
A Partnership Firm,
Represented by its Partner,
L.Subbiah,
No.87/B, Sengalaneer Pillayar Koil Street,
Chidambaram - 608 001.

...

Petitioner

versus

1.S.R.Ravichandran

2.Sri Thillai Ganesh Hotel,
Represented by its Partner,
S.R.Ravichandran,
Carrying on business at
No.87/8-1, Sengalaneer Pillayar Koil Street,
Chidambaram - 608 001.

...

Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the order dated 23.04.2022 made in I.A.No.4 of 2022 in R.L.T.O.P.No.5 of 2021 on the file of the learned Principal District Munsif, Chidambaram.



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For Petitioner : Mr.V.G.Suresh Kumar

For Respondents : Mr.T.Sathyamoorthy

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Principal District Munsif, Chidambaram, dated 23.04.2022 made in I.A.No.4 of 2022 in R.L.T.O.P.No.5 of 2021.

2. The revision petitioner is the landlord, who has filed the original petition in R.L.T.O.P.No.5 of 2021 for eviction against the respondents / tenants. During the pendency of the proceedings, the respondents / tenants filed a petition in I.A.No.4 of 2022 seeking leave of the Court to cross-examine the witnesses and the said petition was allowed. Aggrieved over that, the landlord has filed the present Civil Revision Petition.

3. The learned counsel for the revision petitioner submitted that the respondents have filed a petition for seeking leave to cross-examine on three grounds:- (i) to find out as to who is not willing to register the rent agreement; (ii) without filing any partnership deed, one partner has signed



the main petition and another partner has signed the affidavit; (iii) there is discrepancy in the claim made by the respective parties with regard to the advance amount.

4. The learned Rent Controller has chosen to allow the petition on the second and third grounds. It is further submitted that even before the exchange of notice made between the parties prior to the litigation the respondents have accepted that both Mr.VDL Subbu and Mr.L.Subbiah are partners of M/s.Vaduganathan Talkies. Even in the reply notice he has not denied the same and hence there is no need to permit cross examination on this aspect. It is further submitted that if the respondents claim that they have given Rs.4,50,000/- as advance amount. Even without the need to cross-examine the respondent the revision petitioner undertakes to accept that the advance amount as Rs.4,50,000/- and hence on this aspect, no cross examination is required.

5. The learned counsel for the respondents submitted that the partnership firm itself a juridical person and it cannot have the same identity of the real person; since proceedings have been filed by filing the partnership deed where one of the partners has signed the main petition and



another signed the affidavit, there is necessity to cross-examine the witnesses on this aspect.

6. Despite there are three grounds on which the leave to cross examination was sought before the learned Rent Controller, the learned Rent Controller had chosen to grant leave for grounds 2 and 3 alone. Though the permission is not granted in respect of the issue as to who is not willing to register the rent agreement, that portion of the order was not challenged by the respondents. However the respondents are at liberty to contest the above issue even without the oral evidence of the parties, if other materials help.

7. The second ground is about the partnership deed. Before filing of the proceedings, the revision petitioner / landlord has issued a legal notice on 02.12.2020 wherein he has specifically stated that the firm by name M/s.Vaduganathan Talkies and Lena Talkies are represented by its partners Mr.VDL Subbu and Mr.L.Subbiah. The notice was received by the respondents / tenants and they have also sent a reply on 28.12.2020. In the reply the request sought for the authenticity of the revision petitioner to



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represent the firm is not denied. Even for the sake of arguments it is taken that the respondents have got serious objection with regard to the entitlement of the revision petitioner to represent the firm, again it is a matter of law and the cross examination of the witnesses will not help to resolve the above point.

8. Moreover under the Tamil Nadu Regulation of Rights and Responsibilities of the Landlords and Tenants Act, the wider coverage has been given for the word '*landlord*'. Knowingly the respondents were treated the revision petitioner as their landlord. So far he has not encumbered any rival claim made by any third party for rent. Under such circumstances, it is super-technical to state that the partnership deed is not produced and hence the revision petitioners are not entitled to represent the firm.

9. The next ground is about the quantum of advance amount paid to the landlord. When the landlord states that the advance amount is only Rs.4,00,000/-, the respondents / tenants claims that they have paid a sum of Rs.4,50,000/- as advance. The learned counsel for the



revision petitioner has undertaken that the revision petitioners will not contest the said point and would concede that the advance amount is Rs.4,50,000/-. Hence the issue on this point also can be set at rest. In view of the above stated reasons, there is no scope for cross examining any of the witnesses and hence there is no necessity to grant leave.

10. In the result, this Civil Revision Petition is allowed and the order dated 23.04.2022 passed by the learned Principal District Munsif, Chidambaram in I.A.No.4 of 2022 in R.L.T.O.P.No.5 of 2021 is hereby set aside. Consequently, connected Miscellaneous Petition is closed. No costs.

18.08.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

The Principal District Munsif, Chidambaram.



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R.N.MANJULA, J.

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