



C.R.P(PD).No.2538 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.2538 of 2022
and C.M.P.No.12996 of 2022

K.Vinod Mehta

... Petitioner

..Vs..

M.Samsudeen

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 29.06.2022 made in M.P.Sr.No.16520 of 2022 in R.L.T.O.P.No.656 of 2021 on the file of the XVI Small Causes Court, Chennai.

For Petitioner : Mr.B.Manivannan

ORDER

This Civil Revision Petition has been preferred challenging the order of learned XVI Judge, Small Causes Court, Chennai, dated 29.06.2022 made in M.P.Sr.No.16520 of 2022 in R.L.T.O.P.No.656 of 2021.



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2.The revision petitioner is the tenant against whom the respondent/landlord has filed the eviction petition on the ground of failure to enter into the sale agreement, willful default, demolition and reconstruction. During the pendency of the eviction proceedings, the petition was filed by the revision petitioner seeking leave of the Court for allowing him to cross examine the respondent/landlord and the said petition was rejected and leave was not granted. Aggrieved over that, the petitioner has preferred this revision petition.

3.The learned counsel for the petitioner submitted that there are certain important facts with regard to the jural relationship between the petitioner and the respondent, which needs to be established and for that, the learned Rent Controller ought to have given leave for cross examining the respondent. The attention of this Court was drawn to the order passed in the earlier RCOP.No.1430 of 2017 filed against the very same revision petitioner by the wife of the present respondent. Order was passed in RCOP.No.1430 of 2017 dated 12.11.2019. This is a petition filed by the



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tenant for deposit of rent under Section 8(5) of the Tamil Nadu Buildings (Lease and Rent) Control Act 1960. The attention of the Court was drawn to the evidence of R.W.1 extracted in the order, wherein it is stated that the landlady has not stated that she had executed a settlement deed in favour of her husband.

4.Since the issue with regard to the jural relationship has to be established through documents, the oral evidence is not necessary. It is a simple charge where the ownership of the demised property have been transferred from the wife to the husband. The said fact was not denied by the respondent herself. There cannot be any rival claim for rent also. Because, the petitioner himself has chosen to file a petition to deposit the rent. So far as the respondent/landlord and his wife are concerned, there is no dispute among themselves with regard to the title of the property or the entitlement to receive rent for the property. So for the reasons stated, there is no necessity to examine the witnesses. Even for the sake of arguments, if the petitioner denies the jural relationship between him and



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the respondent in view of settlement executed by the landlady in favour of her husband, it only requires documents to be produced. The discretion to grant leave for cross examination is completely within the powers of the Rent Controller and that can be seen on a case to case basis. During the course of arguments, the learned counsel for the revision petitioner cited the recent decision of this Court held in C.R.P.No.2532 of 2021, wherein the Hon'ble Mr. N.Seshasayee tabulated certain situations when the cross examination might be required. But the listed situations are only illustrative and not exhaustive. Whatever may the case, the powers of the Rent Controller in selection the optimal situations which requires the necessity for cross examination and it cannot be taken away. In the case in hand, the learned Rent Controller has rightly discussed the situation and came to the conclusion that for the reasons stated by the revision petitioner, the respondent need not be subjected to further examination, is not necessary. Since the learned trial Judge has rightly dealt the issue and had chosen to dismiss the petition, which is not maintainable, I do not find any ground interference.



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5.In view of the above, this Civil Revision Petition is dismissed and the order of learned XVI Judge, Small Causes Court, Chennai, dated 29.06.2022 made in M.P.Sr.No.16520 of 2022 in R.L.T.O.P.No.656 of 2021, is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

11.08.2022

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Index:Yes No

Speaking Order:Yes/No

To

- 1.The XVI Judge, Small Causes Court,
Chennai.
- 2.The Section Officer,
VR Section, Madras High Court, Chennai.



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R.N.MANJULA,J.

Vkr

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