



C.R.P.No.3211 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3211 of 2022

N.Rajan

... Petitioner

Vs.

1.P.Padmavathy

2.R.Sasikala

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 07.09.2022 made in I.A.No.4 of 2022 in R.C.A.No.5 of 2022 on the file of the Subordinate Court, Thiruvottiur.

For Petitioner : M/s.K.P.Chandrasekaran

For Respondents : M/s.G.Mohammed Aseef

ORDER

This Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the revision petitioner seeking production of additional evidence pending appeal.



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2. The 1st respondent herein filed a Rent Control Eviction Petition against the 2nd respondent and obtained an order of eviction. The petitioner herein who got himself impleaded in the main R.C.O.P filed an appeal challenging the order of eviction obtained by the 1st respondent. Pending appeal, he filed an application for reception of additional evidence.

3. It is settled law whenever an application is filed for reception of additional evidence before the appellate Court, the Court shall consider the same at the time of hearing of the appeal. The relevancy or usefulness of the additional documents can be considered only at the time of the hearing the appeal. In the case on hand, the Court below separately considered the petition filed by the petitioner seeking reception of additional evidence. The procedure adopted by the appellate authority is not correct. Consequently, impugned order is set aside. The petition filed by the revision petitioner seeking production of additional evidence in I.A.No.4 of 2022 is remanded back to the file of the appellate Court, namely the Sub Court, Thiruvottiyur for consideration on merits along with main R.C.A.No.5 of 2022. With this observations, this Civil Revision Petition stands disposed of.



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4. The learned counsel for the respondent made a request to this Court to fix a time limit for disposal of R.C.A.5 of 2022. The learned counsel for the petitioner has no objection. In view of the consensus arrived at between the counsel appearing on either side, this Court is inclined to issue a direction to the Court below to dispose of R.C.A.No.5 of 2022 within a period of three (3) months from the date of receipt of copy of this order.

5. Originally R.C.A was filed before the Sub Court, Ponneri in R.C.A.No.7 of 2018 and the same was transferred and re-numbered as R.C.A.No.5 of 2022 to the file Sub Court, Thiruvottiyur. In view of the fact that R.C.A is of the year 2018 and the consensus arrived between both the counsel appearing on either side, this Court is inclined to issue a direction to the Court below to dispose of the R.C.A.No.5 of 2022 within a period of three (3) months from the date of receipt of copy of this order. No costs.

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Index: Yes/ No

Speaking Order / Non-Speaking Order

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S.SOUNTHAR, J.

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To
The Subordinate Court,
Thiruvottiyur.

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