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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP. No.3487 of 2022

1.Vijayalakshmi

2.Dr.Arulvanan

...Petitioners

versus

1.Kishore Kumar

2.Hemavathy

...Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Docket Sheet Order, dated 19.09.2022 passed by the learned XIV Small Causes Court, Chennai in RLTOP.No.837 of 2022.

For Petitioners : Mr.S.Shujath Hussain

For Respondents :M/s.Giridhar and Sai

ORDER

This Civil Revision Petition is filed challenging the Docket Sheet Order dated 19.09.2022 passed by the court below directing the respondents to file a petition to mark the additional documents and proceed with the case.

2. The respondents herein sought to file the document along with the



re-joinder dated 03.09.2014.

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3. The petitioner herein has opposed the re-joinder and filing of documents by the respondent on the ground that the respondent is not entitled to bring new facts in his rejoinder and try to file additional documents in support of the averments in re-joinder. The respondent herein has filed a petition for re-possession of the demised premises against the petitioner herein on following grounds:

a) No new agreement was entered into as per the provision of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 subsequent to the expiry of the earlier agreement.

b) The petitioner herein has misused the demised premises and committed an act of waste.

c) The possession of the demised premises is required for carrying out demolition and to renovate the building.

4. The said submission was opposed by the revision petitioner by filing a detailed counter and thereafter, the respondent filed his rejoinder wherein he accepted the various pleas raised by the revision petitioner.

5. The respondent also averred that certain subsequent events happened



and the petitioner has renovated the place and misuse the demised premises and committed act of waste.

6. By impugned order, the court below has observed that the respondent has not brought out the documents by including list of column in the rejoinder, only the respondent had referred to the documents in the paragraph portion. Though she further stated in her rejoinder that the documents were enclosed, she failed to enclose any list of documents in the re-joinder. Therefore, the court below has directed the respondent to file an appropriate application for marking of additional documents and proceed with the case.

7. In the considered opinion of this court, the revision petitioner is not at all aggrieved by the order passed by the court below by directing the respondent to file an appropriate application for marking of additional documents. It is always open to the revision petitioner to file his counter raising objection. If the order impugned is allowed to stand, it will not cause any irreparable loss or injury to the petitioner. Hence, I do not find any infirmity in the order passed by the court below.



8. In the result, this Civil Revision Petition is dismissed. No costs.

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03.11.2022

Index : Yes/No
Internet : Yes/No
gv

To

The XIV Small Causes Court, Chennai

S.SOUNTHAR.,J.



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Gv

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