



CRP.Nos.3855, 3857 & 3858 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.Nos.3855, 3857 & 3858 of 2022

and

CMP.Nos.20247, 20249 & 20252 of 2022

P.Ravichandran

... Petitioner in both CRPs.

Vs.

J.Neela

... Respondent in both CRPs.

Common Prayer: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order dated 29.09.2022 in M.P.Nos.3, 4 & 5 of 2022 in R.C.A.No.152 of 2021 on the file of the IX Judge, Small Causes Court, Chennai, by allowing the above CRP with cost by granting the relief claimed in the M.P. before the Lower Court as prayed for.



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For Petitioner in
both CRPs. : Mr.G.V.Sridharan

For Respondent
in both CRPs. : Mr.R.Ramanlaal for Caveator

COMMON ORDER

These Revision Petitions are filed by the petitioner challenging the dismissal of the petitions filed by the revision petitioner to re-open the case, to re-call PW1 and to lead evidence by cross examination.

2. The respondent herein filed an eviction petition against the petitioner with regard to wilful default and the learned Rent Controller was pleased to pass an order allowing the eviction petition and aggrieved by the same, revision petitioner has filed an appeal before the Appellate Authority. Pending appeal, he filed instant applications to re-open, re-call PW1 and to lead evidence. It is pertinent



to mention that similar application to re-call PW1 was filed by the revision petitioner in M.P.Nos.1 & 2 of 2020 before the Rent Controller and both the petitions were allowed and inspite of allowing of application, the petitioner failed to cross examine PW1.

3. Now, after filing of the appeal, for the very same relief, he filed the instant applications to re-open the case and re-call PW1. The petitioner is not entitled to file again applications before the Appellate Authority to establish his case, when similar application filed by the Rent Controller was allowed but the petitioner failed to avail the opportunity. Further, the petitioner is not entitled to lead evidence before the Appellate Authority. The Rent Control proceedings are summary proceedings, which are governed under the Tamil Nadu Buildings (Lease and Rent Control) Rules and under Rule 16 (2) of Tamil Nadu Buildings (Lease and Rent Control) Rules, the Appellate Authority may allow additional evidence only if it decides to make further enquiry it can take additional evidence or require such evidence



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to be taken by the Controller.

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4. In the case on hand, the petitioner herein already filed a similar application before the Rent Controller and inspite of allowing of said application, he failed to cross examine PW1 and therefore, the petitioner is not entitled to maintain the petition for re-opening the case, re-call PW1 and the petition filed by the petitioner was rightly dismissed by the Appellate Authority.

5. It is brought to the notice of this Court that earlier this Court in CRP.No.2157 of 2021 directed the learned Appellate Authority to dispose of the appeal within a period of three months. Therefore, having the said direction in mind, the Appellate Authority is directed to dispose of the appeal as expeditiously as possible.



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6. Accordingly, these Civil Revision Petitions are dismissed.

No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

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Index : Yes / No

Internet : Yes / No

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To

The IX Judge, Small Causes Court, Chennai.



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S.SOUNTHAR, J.

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