



C.R.P.Nos. 4867 & 4910 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos. 4867 & 4910 of 2023

and

C.M.P.Nos. 28788 & 28933 of 2023

A. Mohandoss

.. Petitioner
in both the CRPs

Vs

1.Manju Bai
2.P. Vikash Kumar

.. Respondents
in both the CRPs

Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the order dated 18.10.2023 passed by the learned Rent Control Appellate Authority, IX Judge, Small Causes Court, Chennai in M.P.No.2 of 2023 in R.C.A.Nos.11 & 12 of 2022 respectively and allow the petition in M.P.No.2 of 2023 in R.C.A.Nos.11 & 12 of 2022 respectively as prayed for with costs.

For Petitioner : Mr. R. Singaravelan, Senior Advocate
for Mr. B.K. Sreenivasan



C.R.P.Nos. 4867 & 4910 of 2023

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed in M.P.No.2 of 2023 in R.C.A.Nos.11 & 12 of 2022 respectively, the tenant / appellant has preferred these revisions.

WEB COPY

2. Before the appellate Court, the appellant / petitioner herein filed an application under Rule 11 of the Tamil Nadu Buildings (Lease and Rent Control) Rule to take up the four miscellaneous petitions filed by the petitioner to let in evidence, to reopen petitioner's side, to recall PW1 and to reopen respondents evidence in RCOP.Nos.1317 & 1318 of 2015. The application was filed by the tenant / appellant stating that as per the direction given by this Court, he deposited the entire arrears of rent. As on date no arrears, up to date he is paying the rent, only he wants to adduce evidence before the RCOP proceeding and he wants to recall P.W.1 also. The appellate Judge had given notice to other side / the respondents herein and as per the objection made by the respondents / landlords that all the applications can be taken along with the main appeal.



WEB CONTENT

3. On considering both side representations, the appellate Judge held that the interim petition filed by the petitioner to recall PW1 to let in evidence in RCOP cannot be decided independently before taking the main appeal. The appellate Judge, by relying the ratio laid down by the Hon'ble Apex Court in **(2012) 8 SCC 148** wherein it was held as follows: -

“Stage of consideration of additional evidence in appellate Court has to be considered at the time of final hearing of appeal on merits”.

So, the appellate Judge has held that if at all the tenant filed MPs to remand back the case to rent control Court, the same can be decided only after hearing the main appeal on merits. Accordingly, the applications were dismissed.

4. Aggrieved by the said finding, the tenant / appellant has preferred these revisions.

5. The learned Senior Counsel appearing for the petitioner submits that before disposing the appeal, the appellate Judge ought to have given opportunity to adduce evidence before the rent control Court if not his



C.R.P.Nos. 4867 & 4910 of 2023

valuable right to defend the case will be defeated.

WEB COPY

6. On perusal of the RCOP proceeding, the tenant was represented through counsel and on hearing counsel arguments, the eviction was ordered. So no reason was assigned why has not adduced evidence before the RCOP. Admittedly, the revision petitioner is not an illiterate man but he is an Advocate by profession. If at all he wants to adduce any evidence, it is up to the appellate Judge to decide, which was rightly observed by the appellate Court, which needs no interference.

7. Accordingly, the Civil Revision Petitions are dismissed as no merits. No costs. Consequently, connected miscellaneous petitions are closed.

21.12.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To

4/6



C.R.P.Nos. 4867 & 4910 of 2023

The IX Judge, Small Causes Court, Chennai

WEB COPY



WEB COPY



C.R.P.Nos. 4867 & 4910 of 2023

T.V.THAMILSELVI, J.

AT

C.R.P.Nos. 4867 & 4910 of 2023 and
C.M.P.Nos. 28788 & 28933 of 2023

21.12.2023