



C.R.P.No.207 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P. No.207 of 2023

and

C.M.P.No.1671 of 2023

S.Ramasamy Nadar

..

Petitioner

Vs

S.Jayathilakaraj

..

Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to set aside the order and decretal order in M.P.No.1 of 2022 in R.C.O.P.No.61 of 2018, on the file of the District Munsif Court, Alandur, dated 23.09.2022.

For Petitioner : M/s.S.Anuradha Balaji



C.R.P.No.207 of 2023

ORDER

The Civil Revision Petition is filed challenging the order and decretal order passed in M.P.No.1 of 2022 in R.C.O.P 61 of 2018 on the file of the Principal District Munsif at Alandur, dated 23.09.2022.

2. The revision petitioner is the respondent in R.C.O.P.No.61 of 2018 and the tenant respondent/landlord instituted the eviction proceedings on the ground of owners occupant. The rent control proceedings was initiated in the year 2018 and it is pending for the past four years. While so, the revision petitioner/tenant filed M.P.No.1 of 2022 seeking the relief to reject or return the proof Affidavit filed on behalf of the respondent/landlord before the RCOP Court which is contrary to the procedure contemplated under Tamilnadu Rent Control Act. The respondent/landlord filed a proof affidavit in support of his contentions in the RCOP petitioner filed. It will not make any change in the case of the petitioner or the respondent and accepting the proof affidavit which is nothing but reiterating the contentions in the petition would not cause any prejudice to the interest of either of the parties and ultimately, the Court has to adjudicate the issues on merits and in accordance with law and based on the documents and evidences.



C.R.P.No.207 of 2023

3. Learned counsel for the petitioner relied on the judgment of the High Court in the case of **Marry Kutty Koshy vs. Hemalatha Pushpakaran** [MANU/TN/4460/2018] in C.R.P.No. 3770 of 2009 dated 20.08.2018 and the RCOP relied on the subsequent judgment in the case of **P.Ramachandran vs. Tayub Haji Ismail** in C.R.P(PD).No.319 of 2019 dated 30.04.2019. Considering both the judgments, the RCOP court came to the conclusion that any evidences/records filed before the Court cannot be rejected as it forms a part of the court record and accordingly, the petition filed by the Civil Revision Petitioner was dismissed.

4. It is not in dispute that the respondent/landlord instituted proceedings for eviction. The petition averments are reiterated by way of a proof affidavit during the pendency of the RCOP. Acceptance of such proof affidavit by the Rent Controller would not cause any prejudice to the revision petitioner/tenant and he is liberty to adjudicate the issued on merits and in accordance with law. Contrarily by raising such hypothetical grounds in the rent control proceedings, no party can be allowed to drag on the proceedings. Interlocutory applications are filed with an idea to prolong and protract the proceedings, which at no circumstances, can be encouraged by the Courts. Even if such applications are filed that has to be disposed of by the courts as early as possible and if the court



found that if such applications are filed to drag on the proceedings, then maximum cost is to be imposed.

5. Rule is to take the case whenever it is listed for hearing. Adjournment is an exception. Thus adjournments cannot be granted in a routine manner and even in extraordinary circumstances such adjournments are to be granted by recording reasons which must be genuine. Routine grant of adjournments are to be averted since it will increase the longevity of the litigation. Either of the parties will make an attempt to achieve their goal in an indirect manner. Thus courts are expected to dispose of the cases in consistent manner by not allowing the parties to take unnecessary adjournments on flimsy grounds or by filing frivolous interlocutory applications and keep the same pending for long time.

6. In the present case, the rent control proceedings are pending for the past more than four years and the interlocutory application now filed in the year 2022 became unnecessary and more so the trial court rightly formed an opinion that filing of Proof Affidavit has no bar under law. That apart, the Proof Affidavit filed by the respondent/landlord would not cause any prejudice to the interest of the petitioner/tenant and he has to adjudicate the issues on merits.



C.R.P.No.207 of 2023

7. Considering the fact that the proceeding is pending for more than four years, the Rent Controller is directed to dispose of the case, as expeditiously as possible.

8. With the abovesaid directions, this Civil Revision Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

02.02.2023

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Neutral Citation: Yes/No

nhs

:



WEB COPY



C.R.P.No.207 of 2023

S.M.SUBRAMANIAM, J.

nhs

C.R.P. No.207 of 2023

and

C.M.P.No.1671 of 2023

02.02.2023