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CRP. No. 4792 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4792 of 2023

Charles

...Petitioner

Vs.

1.Arreau Joseph Honore
2.Kanika Kashyap

....Respondents

PRAYER : This petition filed under Article 227 of the Constitution of India, to set aside the order dated 07.11.2023 passed in I.A No. 8 of 2023 in RCOP No. 63 of 2014 on the file of the I Additional District Munsif, Puducherry.

For Petitioner : Mr.K.Sasindran

For Respondents: Mr. Magesh

ORDER

This petition has been filed to set aside the order dated 07.11.2023 passed in I.A No. 8 of 2023 in RCOP No. 63 of 2014 on the file of the I



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2. The petitioner herein filed I.A No. 8 of 2023 in RCOP No. 63 of 2014 to condone the delay in filing the list documents and accord reception of the same on the file. After considering the submissions, the Trial Court dismissed the said petition. Challenging the same, the petitioner filed this petition.

3. The learned counsel for the petitioner submits that the respondent filed RCOP to evict the petitioner from the petition mentioned premises on the ground of wilful default and unauthorized use, in which, the petitioner also filed counter. Thereafter, P.W.1 was cross examined by the petitioner and the case was posted for cross examination of R.W.1 on 07.11.2023. While so, the petitioner found that some documents which are relevant to the present case and handed over the same to the petitioner counsel. Accordingly, the petitioner's counsel filed I.A No. 8 of 2023 to receive the additional documents, which is even prior to the cross examination of R.W.1 i.e., on 07.11.2023 and on the same day the petitioner was cross examined. But the Court below dismissed the said application stating the it was not maintainable. Hence, he prays to allow this petition.

4. Considering the facts of the case, the original land lord sold the



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petition mentioned premises to the second respondent herein but the revision petitioner was tenant under the original land lord. Hence, in order to prove the same, the petitioner wants to produce certain documents and filed application at the time of cross examination of R.W.1. Admittedly, the petitioner wants to produce the certain documents related to tenancy, if such application is allowed it would not cause any prejudice to the respondents. But the Trial Court failed to appreciate the above facts. Therefore, order passed by the Trial Court in I.A No. 8 of 2023 in R.C.O.P No. 63 of 2014 is set aside. Thus, I.A No. 8 of 2023 in R.C.O.P No. 63 of 2014 is allowed. However, RCOP is ordered to be disposed of within 3 months.

5. In the result, this Civil Revision petition is allowed. No cost. Consequentially, connected miscellaneous petition is closed.

15.12.2023

pbl

To
The I Additional District Munsif, Puducherry.



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T.V.THAMILSELVI,J.

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