



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.Nos.4805 & 4806 of 2023

and

C.M.P.Nos.28518 & 28521 of 2023

Goutham Chand Chopra

... Petitioner
in 2 CRPs

Vs.

Sumit A Challani
Rep by his Power of Attorney
cum Property Manager
Mr.B.Sampathrai Jangid
Having Office at
No.36, Veerappan Street, Sowcarpet,
Chennai – 600 079.

... Respondent
in 2 CRPs

Prayer in CRP.No.4805 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the order dated 30.11.2023 passed in M.P.No.3 of 2023 in R.L.T.O.P.No.137 of 2020 on the file of the XV Judge Court of Small Causes at Chennai.



Prayer in CRP.No.4805 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the order dated 30.11.2023 passed in M.P.No.4 of 2023 in R.L.T.O.P.No.137 of 2020 on the file of the XV Judge Court of Small Causes at Chennai.

For Petitioner : Mr.S.Ilamuhil
(in 2 CRPs)

COMMON ORDER

These Civil Revision Petitions have been filed challenging the impugned order passed in M.P.Nos.3 and 4 of 2023 in R.L.T.O.P.No.137 of 2020 on the file of XV Court of Small Causes, Chennai.

2. The learned counsel for the petitioner submits that before the Trial Court the petitioner filed petitions praying to reopen and to receive the additional counter. Both the petitions were dismissed by the Rent Controller on the ground that after commencing of the trial, the tenant wants to file additional counter, which is not acceptable. More particularly with regard to the non-compliance of the 575 days. Therefore, the petitions were dismissed. Aggrieved by the same, the petitioner filed these Civil Revision Petitions.



WEB COPY

3. The learned counsel for the petitioner further submits that the petitioner had already filed counter affidavit and contested the case on 11.11.2020 and based on that evidence was closed and posted for arguments. But due recent development in the legal proposition, he wants to raise one more defence with regard to the period of 575 days as per the implication made in the new Act. Admittedly, in the earlier counter affidavit, he has not raised such defence. However, the learned counsel for the revision petitioner submits that they are adducing the evidence filed in the counter affidavit by raising one more defence in order to substantiate their defence before the Rent Controller.

4. As the petitioner wants to raise one more defence with regard to the period of 575 days in order to enter into the rental agreement and based on the submissions made by the learned counsel for the petitioner, if the opportunity is not given to the petitioner, his valuable right to defend the case will be defeated. Therefore, this Court is inclined to set aside the order passed in M.P.Nos.3 and 4 of 2023 in R.L.T.O.P.No.137 of 2020 on the file of XV Court of Small Causes, Chennai.



WEB COPY

5. In result, these Civil Revision Petitions stand allowed with a direction to the petitioner to file the additional counter affidavit within a period of one week from the date of receipt of a copy of this order and on receipt of the counter affidavit the Rent Court is directed to hear the objection from the tenant and also decide the issues on merits as expeditiously as possible not less than 2 months. Consequently, connected Miscellaneous Petitions are closed. No costs.

14.12.2023

Jeni
Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

To

The XV Court of Small Causes,
Chennai.



WEB COPY



C.R.P.Nos.4805 & 4806 of

T.V.THAMILSELVI, J.

Jeni

C.R.P.Nos.4805 & 4806 of 2023

14.12.2023