



C.R.P.No.4913 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

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

C.R.P.No.4913 of 2023 &
C.M.P.No.28943 of 2023

Vacher Mills Stores,
A Regd Partnership Firm,
Rep. By its partner,
Mr.K.Anil Vacher,
No.21 (New No.18),
Mooker Nallamuthu Street,
Chennai – 600 001.

... Petitioner

Vs.

1.K.Gunasekaran
2.K.Manimaran

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the docket order of the unnumbered petition in M.P.SR.No.45409 of 2023 in R.L.T.O.P.No.117 of 2023 dated 17.11.2023 on the file of the XIII Judge Court of Small Causes. Chennai and to direct the XIII Judge Court of Small Causes, Chennai to number the petition in M.P.SR.No.45409 of 2023.

For Petitioner

: Mr.G.Murugendran

ORDER

Challenging the order dated 17.11.2023 passed in unnumbered petition in M.P.Sr.No.45409 of 2023 in RLTOP No.117 of 2023, the petitioner who



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is the respondent in RLTOP filed the present revision.

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2. Before the trial court, an application has been filed by the petitioner/tenant to cross examine the respondents/landlords who are the petitioners in RLTOP. However, the said application has not been taken on file by the Court. The trial court rejected the said application stating that the prayer sought for in the petition shall not be entertained in summary proceedings and cross examination is not right of the parties, but it is discretion of the court. Challenging the same, the revision petitioner filed the present petition.

3. Learned counsel for the petitioner submits that for the same set of proceedings, the same judge allowed the application in RLTOP.No.308 of 2020, but the order passed in the present case is contrary to the procedure adopted by him.

4. Considering the facts and circumstances of the case, this Court is inclined to direct the trial court to number the application and dispose of the same on Merits.



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5. Accordingly, the trial court is directed to number the petition in M.P.SR.No.45409 of 2023 in RLTOP.NO.117 of 2023 and dispose of the same on merits, within a period of two weeks from the date of receipt of a copy of this Order.

6. With the above direction, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.12.2023

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Index : Yes/No
Speaking order/Non-speaking order
Neutral Citations : Yes/No



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To

1.The XIII Judge Court of Small Causes. Chennai



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T.V.THAMILSELVI,J.

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