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CRP No.1364 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.1364 of 2023

and

C.M.P.No.9120 of 2023

A.Nagappa Naicker

... Petitioner

Vs.

C.Thukkaram Reddiar

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 23.01.2023 passed in M.P.No.4 of 2022 in RLTOP No.1 of 2019 on the file of the District Munsif Court, Madurantagam.

For Petitioner

: Mr.K.Govi Ganesan

For Respondent

:Mr.P.Magesh

ORDER

The Civil Revision Petition is filed to set aside the fair and decreetal order dated 23.01.2023 passed in M.P.No.4 of 2022 in RLTOP No.1 of 2019 on the file of the District Munsif Court, Madurantagam.



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2. The petitioner is the tenant and the respondent is the landlord in M.P.No.4 of 2022 in RLTOP No.1 of 2019 on the file of the District Munsif Court, Madurantagam. The respondent/landlord has filed the Rent Control Original Petition under Section 10(2)1, 10(B)(a)(iii) of Tamil Nadu Buildings (Lease and Rent Control) Act, against the petitioner/tenant seeking eviction from the schedule mentioned property and handover the possession to the respondent/landlord on the ground of willful default in the payment of rent and bonafide requirements for own occupation. The petitioner/tenant has filed a petition in M.P.No.4 of 2022 in RLTOP No.1 of 2019 before the trial Court for receiving additional counter, which was rejected on the ground that the petition was filed belatedly and posted for respondent's side evidence.

3. Learned counsel for the petitioner submits that the petitioner has not raised any objection in the earlier counter. He further submits that additional counter is necessary for effective adjudication of the lis between the parties. Therefore, seeking to allow the revision petition.



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4. Learned counsel for the respondent submitted that the petitioner's side evidence has been closed, at that stage, the petitioner has filed an application M.P.No.4 of 2022 to receive additional counter belatedly. The petitioner has raised all the objections in the counter earlier. Hence this petition is unsustainable. Therefore, there is no reason to interfere with the impugned order passed by the trial Court and the Civil Revision Petition is liable to be dismissed.

5. Heard the parties and perused the materials available on record.

6. It is not disputed that the petitioner's side evidence has been closed after examination of PW.1 and PW.2 and the case is posted for examination of respondent's side evidence. But the petitioner/tenant filed an application to receive additional counter, which was dismissed by the trial Court on the ground that the application filed belatedly and not stated any reason in his affidavit for not raised those contentions in his earlier pleadings. Hence there is no ground to interfere in the impugned order and no merit in this petition.



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Therefore, this Civil Revision Petition is dismissed. Consequently, the connected Civil Miscellaneous Petition is also dismissed. The trial Court is directed to complete the trial and pass orders within a period of six months from the date of receipt of a copy of this order. No costs.

28.02.2024

Index: Yes/No
Internet: Yes/No
rpl

To

The District Munsif Court, Madurantagam



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V.SIVAGNANAM, J.

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