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C.R.P.No.2324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.2324 of 2024
and C.M.P.No.12217 of 2024

Bhavana Stephen ... Petitioner

-Vs-

Chandrika Surishanker ... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the petition and order passed in I.A.No.5 of 2024 in R.C.O.P.No.5 of 2019 before the Rent Controller-cum-District Munsif, Coonoor, The Nilgiris dated 07.03.2024.

For Petitioner : Mr.B.Kumarasamy
For Respondent : Mr.A.Veerassamy

ORDER

This Civil Revision Petition is against the order of the learned Rent Controller-cum-District Munsif, Coonoor, The Nilgiris District in allowing the application filed to reopen the respondent's side of evidence for the purpose of examination of the previous owner / vendor of the respondent herein.

2. The claim of the petitioner is that she was a tenant of Leela



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Ramachandran who is the actual owner of the property and not a tenant of the respondent Chandrika Surishanker. For the purpose of examination of the said Leela Ramachandran and another witness, she filed an application to reopen the evidence of the respondent. This was stiffly opposed by the respondent landlady on the ground that the case has proceeded further after the closure of examination of the respondent witness and it is only for the purpose of dragging on the eviction proceedings that the present petition has been filed. Additionally, she would also point out that the case is at the stage of arguments and at that stage, the reopen is sought to be pressed.

3. The learned trial Judge, after considering the arguments on both sides, has returned a categorical finding that the case was pending for respondent's evidence from 15.02.2023 to 03.01.2024. She has further stated that the petition has been filed at a belated stage. Nonetheless, in order to prevent any objection that the tenant has not been given sufficient opportunity, she has permitted the evidence to be reopened on condition that the petitioner shall pay to the respondent a sum of Rs.20,000/- as costs. Pleading the costs are excessive, the present civil revision petition has been filed.

4. Heard Mr.B.Kumarasamy for the civil revision petitioner and Mr.A.Veerasamy for the respondent.



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5. The narration of the aforesaid facts is sufficient to state that the tenant, though had sufficient opportunity for more than one year, waited till the closure of evidence and only thereafter filed the petition. Nonetheless, the learned Judge has exercised her discretion and has reopened the evidence and has only imposed paltry cost of Rs.20,000/- I neither find it excessive nor arbitrary. In fact, the learned Judge could have increased the costs, but she has not done so.

6. I do not find any ground to interfere with the order of the learned Rent Controller-cum-District Munsif, Coonoor, The Nilgiris District, dated 07.03.2024 in I.A.No.5 of 2024 in RCOP No.5 of 2019. The costs imposed by the learned trial Judge shall be paid by the petitioner on or before 26.07.2024. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

The Rent Controller-cum-District Munsif
Coonoor, The Nilgiris District.



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V. LAKSHMINARAYANAN, J.

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