



CRP.No.4746 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

C.R.P.NO.4746 OF 2023 &
CMP.NO.28170 OF 2023

Suresh Anandan

.. Petitioner

Vs

1. Amudhaveni
2. Nandhitha
3. Gowtham

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 09.11.2023 made in I.A.No.6 of 2023 in RCOP.No.1 of 2018 passed by the learned Rent Controller and District Munsif Judge, Mettupalayam.

For Petitioner : Mr. P. Dinesh Kumar

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 09.11.2023 made in I.A.No.6 of 2023 in RCOP.No.1 of 2018 passed by the learned Rent Controller and District Munsif Judge, Mettupalayam.



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2. The learned counsel for the petitioner submitted that the petitioner is a tenant under the respondents and the respondents herein have filed RCOP.No.1 of 2018 before the Rent Controller and District Munsif Court, Mettupalayam against the petitioner for eviction from the suit property and for other reliefs.

3. The respondents /landlord filed R.C.O.P.No.1 of 2018 before the District Munsif of Mettupalayam for eviction of petitioner/tenant. In that proceedings, the 2nd respondent as PW1, has filed proof affidavit on 02.03.2021. He further submitted that the petitioner filed I.A.No.6 of 2023 seeking to reject the proof affidavit filed by the respondents/landlords on the ground that procedure of receiving proof affidavit in lieu of oral evidence was unknown to Rent Control Act and totally contrary to the due procedure contemplated under the Act and Rules. However, the trial court without duly considering above fact, dismissed the same by passing the impugned order. Therefore, he prayed for allowing this Civil Revision Petition.

4. Considered the submissions of the learned counsel for the



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petitioner and perused the materials available on record.

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5. On perusal of records, the fact reveals that the petitioner is the tenant/respondent in RCOP.No.1 of 2018. The respondents herein are petitioner's landlord. They filed RCOP.No. 1 of 2018 before the District Munsif Court, Mettupalayam for eviction of the petitioner. Further, the fact reveals that on 02.03.2021, PW12nd respondent has filed proof affidavit. He was also cross examined by the petitioner and the same was completed on 31.03.2022. In the circumstances, after completion of cross examination, the petitioner/tenant has filed an application challenging the proof affidavit filed by the 2nd respondent/landlord. The same was rightly dismissed by the trial court on the ground that the petitioner has filed such application in order to delay the proceedings, after two years, that too, after cross examining PW1. Therefore, I do not find any valid reason to interfere with the order passed by the learned trial judge. The Civil Revision Petition is devoid of merits. Hence the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.01.2024



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Index:yes/No

Internet:yes/no

To

The Rent Controller and District Munsif
Judge, Mettupalayam

V. SIVAGNANAM, J.

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