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C.R.P.(MD)Nos.396 and 397 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserved : 27/03/2024

Date of Pronounced : 05/06/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

C.R.P (MD) Nos.396 and 397 of 2024
and
CMP (MD) Nos.1971 of 2024

(1)CRP (MD)No.396 of 2024:-

A.Thangaraj (Died)

- 1.Raja
- 2.Prema
- 3.Karthika
- 4.Thamarai Selvan
- 5.Baby Latha

: Petitioners/Petitioners/
Tenants

Vs.

J.Krishnamoorthy (Died)

J.M.Rajkumar

: Respondent/Respondent/
Landlord

PRAYER:- Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the order and decree, dated 08/11/2023 made in IA No.231 of 2023 in RCOP No.150 of 2016 on the file of the Principal District Munsif Court, Madurai Town.

For Petitioners : Mr.M.Thirunavukarasu

For Respondent : Mr.M.Rajaraman



C.R.P.(MD)Nos.396 and 397 of 2024

(2) CRP (MD) No. 397 of 2024:-

A.Thangaraj (Died)

1.Raja
2.Prema
3.Karthika
4.Thamarai Selvan
5.Baby Latha

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For Petitioners : Mr.M.Thirunavukarasu

For Respondent : Mr.M.Rajaraman

COMMON ORDER

These civil revision petitions have been filed seeking to set aside the order and decree, dated 08/11/2023 passed in IA Nos.231 and 232 of 2023 in RCOP No.150 of 2016 by the Principal District Munsif Court, Madurai Town.



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2.The facts in brief:-

RCOP No.150 of 2016 is filed by the respondents herein seeking eviction of the the petitioners from the tenanted premises. The petitioners entered appearance, enquiry commenced. During process of enquiry, the present impugned petitions in IA Nos.231 and 232 of 2023 are filed to reopen and to recall the petition and to mark certain documents. Both the petitions came to be dismissed by the Rent Court.

3.Against which, these civil revision petitions are preferred.

4.The impugned petitions are filed with the following averments:-

The main petition posted for judgment on 22/08/2022. They have traced out the certified copy of the registered sale deed dated 27/01/2012 executed by the Landlords in favour of one C.Jeyanthi regarding the properties comprised in RS No.221/8. For the purpose of marking the document, the evidence must be reopened and PW1 must be recalled.



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5.That was resisted by the respondent herein stating that the main petition was filed in 2016. The relationship between the petitioners and the respondent is admitted. There is no mentioning in the pleadings about the document. The petitioners were evicted in EP No.85 of 2018 and the property was also taken delivery. To drag on the proceedings, these petitions are filed.

6.Heard both sides.

7.The trial court recorded a finding that the relationship between the parties are not disputed and denied. The documents now sought to be produced is not relevant and more particularly, it is with reference to the property in Door No.97, Block No.56, TS No.59. So this document is also not going to help the court in arriving at the conclusion.

8.The learned counsel appearing for the petitioners would submit that the relevancy of the document ought to have been tested by the trial court at the time of deciding these two petitions. But the trial court has travelled beyond the scope of the relief sought for. If the document is produced by the petitioners, then it will give a clear picture about the property.



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9.No doubt that the relief sought for in these petitions are only to reopen, recall and permission to produce the certified copies of the sale deed, dated 27/01/2012. There is no bar for the trial court to look into the relevancy of the document at the time of hearing the petitions just to arrive at a conclusion as to whether it is necessary for recall or to reopen as the case may be. To that limited extent, the trial court is well within its power, can go into the relevancy of the document to be produced to decide the issue. Here, as mentioned above, this document is not related to the present subject matter of the property.

10.So I am of the considered view that when the document is not relevant, no purpose is going to be served in recalling PW1. An objection was also raised by the respondent to that effect. Against the order passed by the Rent Court, only regular appeal will lie.

11.To that effect, the learned counsel appearing for the petitioners would submit that it is only an interlocutory order, against which revision will lie. For that purpose, they would rely upon the following judgments viz., **N.Kuberan Vs. Indian Bank, Tindivanam Branch, rep. by its Branch Manager, Tindivanam; and N.Chellapandi Vs. C.Kaathan (2007(4)CTC 561)**.



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12.Per contra, the learned counsel appearing for the respondent would rely upon the following judgments viz.,

(1) S.M.Chandrasekaran Vs. S.S.Jayamani and others (CRP (NPD) (MD) No.182 of 2007, dated 23/04/2007); S.V.P.S Pandiarajan Vs. M.A.M.S.N, Navamani and others (CRP (PD) Nos.1416 of 2009 and 237 of 2010, dated 08/11/2012; and K.Neelamegam Vs. S.Balakrishnan (CRP (PD) (MD) No.491 of 2021, dated 30/07/2021).

13.I am not going into that aspect now since the civil revision petitions can be disposed of on the preliminary point as to the relevancy of the document. I concur with the orders passed by the trial court as to the relevancy of the document. So I find no reason to interfere into the orders passed by the trial court.

14.In the result, both the civil revision petitions are **dismissed**. No costs. Consequently, connected Miscellaneous Petition is closed.

05/06/2024

Index:Yes/No
Internet:Yes/No
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To,

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1.The Principal District Munsif,
Madurai Town.

2.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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