



C.R.P(MD)No.1356 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.06.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.1356 of 2024

and

C.M.P(MD)No.7889 of 2024

M.Murugesan

... Petitioner/Petitioner/
Appellant

Vs.

G.Gnanasekaran (died)

1.G.Rani

2.G.Gowrisankar

3.G.Rajalakshmi

... Respondents/Respondents/
Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 24.11.2023 made in I.A.No.13 of 2023 in R.C.A.No.29 of 2016 on the file of the learned Rent Controller cum Principal District Munsif Judge, Trichirappalli.

For Petitioner : Mr.K.Sivabalan



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ORDER

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The present revision petition has been filed by the appellant in R.C.A.No.29 of 2016 on the file of Principal Sub Court, Tiruchirappalli challenging an order wherein an application was filed under Section 91 of the Indian Evidence Act to examine the author of certain documents that were presented by the landlord before the Rent Controller.

2. The rent control proceedings have been initiated for evicting the revision petitioner on the ground of owners occupation, of his daughter to run a xerox shop and a tailoring shop on the ground that she is a physically challenged person. In order to prove that his daughter is a physically challenged person, the landlord had filed Exhibits P.5 to P.9 before the Rent Controller. The tenant has not objected to the filing of these documents before the Rent Controller. Ultimately, the Rent Controller had ordered eviction on the ground of owners occupation and also on the ground of wilful default. Thereafter, the tenant has filed an appeal. Pending appeal, the tenant had filed I.A.No.13 of 2023 under Section 91 of the Indian Evidence Act to summon the author of Exhibits P.5 to P.9 and to examine them. This application has been rejected. Challenging the same, the present revision petition has been filed.



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3. The capturing of the events would clearly indicate that this is an unnecessary application only to prolong the proceedings, especially when those documents were marked before the Rent Controller, without any objection from the side of the tenant. There are no merits in the revision petition.

4. Hence, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

26.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Rent Controller cum
Principal District Munsif Judge,
Trichirappalli.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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