



C.R.P.(MD)Nos.3430 and 3431 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2024

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THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)Nos.3430 and 3431 of 2023
and C.M.P.(MD).Nos.17671 & 17672 of 2023

Jothimani ... Petitioner/Petitioner in both petitions

Vs.

Daniel Thomas ... Respondent/Respondent in Both petitions

COMMON PRAYER : Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 13.10.2023 made in I.A.Nos.2 and 3 of 2023 in RLTOP.No.1 of 2021 on the file of the learned District Munsif (Rent Controller), Sathankulam.

For Petitioner : Mr.S.Vidhya Sagar

For Respondent : Mr.Ananth C.Rajesh

COMMON ORDER

These revision petitions have been filed against the orders dated 13.10.2023 made in I.A.Nos.2 and 3 of 2023 in RLTOP.No.1 of 2021 on the file of the learned District Munsif (Rent Controller), Sathankulam.



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2. At the time of admission, the following observation was made by this Court.

“These revisions have been preferred against the dismissal order passed by the Rent Control Tribunal, Sathankulam, in I.A.Nos.2 and 3 of 2023 in RLTOP.No.1 of 2024. The petitioner, who is the land lord, filed E.P.No.1 of 2021 seeking order of eviction. After the examination of both side evidence was over, the petition was posted for arguments. At that time, these petitions came to be filed by the petitioner, one for re-open the evidence on his side and another one for recall PW1 for further examination. The above said petitions were rejected by the trial Court stating that no proper reason was assigned by the petitioner and in spite of repeated adjournments, he has not utilised the chances.

2.The learned counsel for the revision petitioner would submit that only for limited purpose, for bring on record the actual rent and for deduction, he wants to recall PW1.

3.The counsel for the respondent would submit that the entire rent amount was paid and there is no default on his side. According to the counsel for the petitioner, he wants to brought on record the actual



rent. Even though that ground was also available at the time of his chief examination the reason for not putting the same or brought on record is not mentioned by him.”

3.After hearing the learned counsel on both sides, I am of the considered view that an opportunity may be given to the revision petitioner herein to bring on record the actual fair rent and deductions. So that a binding adjudication can be made by the Rent Court. It will cause no prejudice to the respondent. The inconvenience that has been caused by the petitioner to the respondent may be compensated by way of cost. In view of the above this Court is inclined to allow this petition on payment of cost.

4.Accordingly, the orders dated 13.10.2023 made in I.A.Nos.2 and 3 of 2023 in RLTOP.No.1 of 2021 on the file of the learned District Munsif (Rent Controller), Sathankulam is hereby set aside and this civil revision petition is allowed on payment of cost of Rs.5,000/- to be paid by the petitioner to the respondent on or before 28.03.2024. On such deposit, the trial Court is directed to recall the witnesses P.W.1 for



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further examination by fixing a particular date. On that date, the petitioner must examine the witnesses without fail. If any failure is noticed, then the further right to cross examine the witness will be forfeited.

5.For reporting compliance call on 28.03.2024.

21.03.2024

Index : Yes / No
Internet : Yes / No
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To

1.The District Munsif (Rent Controller), Sathankulam.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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