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CRP Nos.1128, 1130 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-11-2025

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THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP Nos.1128 and 1130 of 2024 and
CMP No.5855 of 2024**

1.G.Dilip Kumar

2 . Rajesh Kumar

3 . Manjula

... Petitioners

Vs.

N.Subramanian

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 31.10.2023 made in I.A.No.23 of 2023 in RLTOP No.1 of 2022 passed by the learned Principal District Munsif, Chidambaram.

For Petitioner(s): MR. Sathiyaraj E.

For Respondent(s): Mr.R.Rajavelavan

ORDER

These two civil revision petitions are filed challenging the order passed by the court below, dismissing the applications filed by the petitioner in RLTOP No.1 of 2022, seeking reopen the case and to recall PW1.



2 . The respondent herein filed eviction petition against the petitioners under Section 21(2)(b) of Tamil Nadu Regulations of Rights and Responsibilities of Landlord and Tenant Act on the ground of default in payment of rent. Enquiry in the matter was commenced and the respondent was examined as PW1 on 15.02.2023. Thereafter, the matter was posted for cross examination of PW1 on 01.03.202, 15.03.2023 and 29.03.2023. On those days, the matter was adjourned at the request of the counsel for the petitioners herein and finally the matter was posted on 12.06.2023. on 12.06.2023 also the petitioners herein failed to cross examine the PW1. Therefore, the court came to the conclusion that sufficient opportunity was given to the petitioners to cross examine PW1 and closed the evidence on the side of the respondent. Subsequently, the matter was posted for petitioners' side evidence and the same was also closed on 11.07.2023 and then arguments were also heard on 14.07.2023. Thereafter, the present applications have been filed by the petitioners seeking to reopen and recall PW1.

3. In the affidavit filed in support of the petitions, it was stated by the petitioners that the mother of 2nd petitioner was ill from April 2023 and she died on 11.05.2023 and due to the said reason, the petitioners could instruct their counsel suitably to cross examine PW1. Not satisfied with the above reason assigned in the affidavit, the court below dismissed the applications. Aggrieved by the same, the petitioners have come before this court.



4 . A perusal of the typed set of papers would indicate that the mother of 2nd petitioner was ill during the month of April 2023 and she died on 15.05.2023. However, PW1 was examined on 15.02.2023 itself, well before the illness of the mother of the 2nd petitioner and the matter was posted for 3 hearings during March 2023. All these occasions, the petitioners failed to cross examine the PW1. Subsequently, the matter was finally posted on 12.06.2023, even on this day also, the petitioners failed to cross examine the PW1. Even assuming that the reasons stated by the petitioners are correct, the cross examination of PW1 had not taken place from March 2023 to June 2023. The petitioners have not given any reason for their failure to cross examine PW1 from March 2023 to June 2023. In such circumstances, the reasons given by the petitioners in the affidavit filed in support of the petitions are not sufficient to entertain the petitions for reopen and recall. Therefore, the court below rightly dismissed the applications and I do not find any error to interfere with the impugned order.

5. At this juncture, it is brought to the notice of this court that at the time of entertaining this civil revision petition, interim stay was granted, on condition that the petitioner shall deposit a sum of Rs.5,000/- to the credit of RLTOP No.1 of 2022. Since the civil revision petition is dismissed, the court below is directed to return the amount to the petitioners. The counsel for the respondent has no serious objection for return of the cost, deposited by the petitioner,



pursuant to the interim order passed by this court.

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6. Accordingly, this civil revision petitions are dismissed, confirming the orders passed by the Trial Court in I.A.Nos.23 and 24 of 2023 in RLTOP No.1 of 2022, dated 31.10.2023. There shall be no order as to costs. Connected miscellaneous petition is closed.

07.11. 2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Principal District Munsif,
Chidambaram.



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S.SOUNTHAR J.

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