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C.R.P.(PD)Nos.1401 & 1404 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD)Nos.1401 & 1404 of 2025
and CMP.No.8294 of 2025 in CRP.No.1404 of 2025

P.Prabakaran

... Petitioner in both CRPs

Vs.

Ponnusamy

... Respondent in both CRPs

Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 12.02.2025 made in I.A.No.3 of 2025 in R.L.T.O.P.No.11 of 2022 and I.A.No.2 of 2025 in R.L.T.O.P.No.11 of 2022 respectively of the learned Principal District Munsif Court, Coimbatore, by allowing these civil revision petitions.

For Petitioner : Mr.N.S.Suganthan
(in both cases)



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COMMON ORDER

Challenging the dismissal of his two applications namely I.A.No.2 of 2025 filed to re-open the petition for cross-examination of P.W.1 and I.A.No.3 of 2025 filed to recall P.W.1 for cross-examination, in R.L.T.O.P.No.11 of 2022, the tenant has filed the present revision petitions.

2. The respondent/landlord had filed the R.L.T.O.P.No.11 of 2022 against the revision petitioner/tenant seeking an order of eviction and to direct the tenant to hand-over the petition mentioned premises and to pay damages. The averments pleaded in the R.L.T.O.P. are as follows :

- (a) It is the case of the respondent/landlord that he had rented out a portion of his premises to the revision petitioner under an unregistered rental agreement dated 01.11.2019, against receipt of a sum of Rs.6.0 lakhs as advance, and the monthly rent was fixed at Rs.50,000/-, which was payable on or before 10th of every succeeding English calendar month. The rental period was for 11 months from 01.11.2009 to 30.09.2020.
- (b) The revision petitioner had kept some machineries in the rental



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premises and had been indulging in fabrication works. He had paid the rent only for the month of November 2009, and thereafter, had defaulted in paying monthly rents. Therefore, the revision petitioner was in arrears of rent to the tune of Rs.12.50 lakhs as on the date of the filing of the RLTOP.

- (c) The respondent/landlord also required the premises for his own use as his son who had completed his mechanical engineering, was desirous of establishing a factory engaged in the production of electric vehicles and oxygen concentrator for COVID patients.

3.1 The revision petitioner/tenant had filed a counter statement alleging that the lease was restricted to a period of 11 months only to avoid registration. The tenant had taken the premises on lease for the purpose of running his industry and he had invested several lakhs on purchasing the machineries. Within a month of taking the premises on lease, the landlord obstructed the revision petitioner to have access to his portion. The revision petitioner would submit that despite his request, the respondent continued to deny access. The revision petitioner had already informed the respondent/landlord that he would vacate the premises by April 2020 and



that the rent due / payable may be adjusted from the advance amount.

However, the respondent/landlord requested the revision petitioner to continue in the premises. Having said so, on 19.09.2020, in the absence of the revision petitioner, the respondent/landlord along with his men, had come to the factory and threatened the workers, calling upon them to quit the premises at the earliest. Therefore, the revision petitioner made a complaint to Sulur Police Station. The summons were issued to the respondent/landlord. Before the police officials, the respondent/landlord had assured the revision petitioner that he could continue his workshop in the rented portion.

3.2 It is also alleged in the written statement that owing to the hardships faced by the revision petitioner at the hands of the landlord, he filed a suit in O.S.No.133 of 2020 on the file of the District Munsif Court, Sulur, for an injunction restraining the respondent/landlord and his men from interfering with his peaceful possession and enjoyment of the property, except under due process of law. In the said suit, the revision petitioner had filed an application in I.A.No.2/2021 seeking deposit of rents into the Court. That application came to be allowed on 05.08.2021, and pursuant to



the orders of the Court, he had deposited the total rental amount of Rs.5,50,000/- into the Court, in addition to the advance amount of Rs.6.0 lakhs already paid to the respondent. Therefore, the allegation that the revision petitioner is a chronic defaulter, is denied by the revision petitioner/tenant.

4. When the matter was posted for arguments on 30.01.2025, the revision petitioner has come forward with these two I.As, *inter alia*, one is to file a petition to recall P.W.1, and other is to recall P.W.1 for cross-examination, which are the subject matter of the present revision petitions.

5. It is the contention of the revision petitioner that on 12.08.2024, the matter was posted for cross-examination of P.W.1. Since the revision petitioner was held up at Chennai for the admission of his son, he could not contact his counsel and instruct him regarding the cross-examination of P.W.1, unfortunately, the cross-examination was closed on that very date. He would submit that the cross-examination of P.W.1 was very vital for a just decision and his absence on 12.08.2024, was for the reasons beyond his control, and therefore, both the applications may be allowed.



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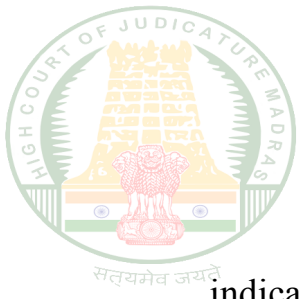


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6. The respondent/landlord had filed a counter to the said I.As *inter alia* contending that the P.W.1 was examined in chief on 27.03.2023, and for a period of 18 months, the revision petitioner had sought for time to cross-examine P.W.1. This is evident from the case records which details the length of adjournments taken by the revision petitioner/tenant. It is contended that for the past two years, the tenant had been requesting time to settle the matter stating that he is ready to pay the rental arrears as well as the rents. However, this request has not been kept up by the tenant. The respondent/landlord would submit that this is nothing but a ploy to prolong the proceedings. Hence, he had sought for the dismissal of the said applications.

7. The learned Principal District Munsif, Coimbatore, by his order dated 12.02.2025 has dismissed both the said I.A.s, and challenging the same, the petitioner is before this Court.

8. Heard the learned counsel and perused the records.



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9. A perusal of the order passed by the learned District Munsif would indicate that after P.W.1 was examined in chief on 27.03.2023, the matter was adjourned for cross-examination of P.W.1, between 13.04.2023 to 12.08.2024, which is more than one and a half years, and since P.W.1 was not ready even on 12.08.2024, his evidence was closed on that date, and the matter was posted for further petitioner side evidences on 23.08.2024 and 02.09.2024. In fact, the order also indicates that the revision petitioner had filed an application in I.A.No.1/2024 for recalling cross-examination of P.W1 in the year 2024. This application was allowed and an opportunity was given to the revision petitioner to cross-examine P.W.1. Once again he had taken about 46 days from 10.09.2024 to 25.10.2024, without cross-examining P.W.1. Hence, the Court closed the evidence of P.W1. Thereafter, the case stood adjourned on several occasions and finally on 30.01.2025, the respondent/landlord had submitted his arguments, on which date, the revision petitioner had taken out these I.A.No.2 of 2025 and I.A.No.3 of 2025 in R.L.T.O.P.No.11 of 2022 for recalling the P.W.1 for cross-examination. The learned Judge has held that this would clearly demonstrate how the revision petitioner/tenant had successfully dragged the case for close to three years only for cross-examination and by the filing of



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the present applications, he further tries to prolong the case which is an abuse of process of law and the same cannot be entertained.

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10. The above narration clearly shows how the revision petitioner/tenant has managed to effectively prevent the disposal of the suit at the earliest. No grounds whatsoever has been made out for recalling of P.W.1, and I therefore see no reasons to interfere with the well considered judgment of the trial Court. Accordingly, these civil revision petitions are dismissed. No costs.

07.04.2025

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
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To:

- 1.The Principal District Munsif
Coimbatore.
- 2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

ds

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