



WEB COPY

CRP No. 4383 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 4383 of 2024

AND

CMP NO. 24399 OF 2024

V. Balan
S/o. Veeraragavan,
Lakshmi House, Near HMT,
Ootacamund, The Nilgiris.

Petitioner(s)

Vs

R. Raja
S/o. Late Rangapan,
D.No.261, Venkateshwara Nilayam,
Near HMT, Ootacamund, The Nilgiris.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order and decree made in IA No.6 of 2024 in RLTOP No.4 of 2023, dated 14.10.2024 on the file of Rent Court Judge, Udhagamandalam, The Nilgiris.



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For Petitioner Mr.L.Santhosh Kumar

For Respondent(s): Mr.S.Dinuprashanth

ORDER

The Civil Revision Petition has been filed to set aside the order and decree made in I.A.No.6 of 2024 in RLTOP No.4 of 2023, dated 14.10.2024 on the file of Rent Court Judge, Udhagamandalam, The Nilgiris.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The respondent is the tenant in R.L.T.O.P.No.4 of 2023 before the Rent Court, Udhagamandalam. I.A.No.6 of 2024 is filed by the respondent/tenant for re-opening the evidence for examining further witnesses.

4. R.L.T.O.P.No.4 of 2023 has been filed for recovery of possession from the respondent/tenant, on the ground that there is a failure to enter into a tenancy agreement in terms of Section 21(2)(a) of the Tamil Nadu Regulation

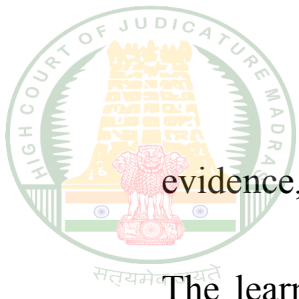


of Rights and Responsibilities of Landlords and Tenants Act, 2017.

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5. On 30.09.2024, before the Distict Munsif, Udthagamandalam, RW2, was examined on behalf of the respondent/tenant, who has been cross examined in full and the learned Judge has posted the matter for arguments and the matter was adjourned to 04.10.2024. However, on 04.10.2024, the tenant has taken out an application in I.A.No.6 of 2024, seeking to reopen the evidence for the purposes of examining four witnesses, whose names and addresses have been set out in the reopen petition. The said application was stoutly resisted by the respondent/landlord, stating that the revision petitioner has filed the application only to protract the proceedings and absolutely no reason is assigned for reopening the case and also contended that, earlier the petitioner has filed applications to reopen the evidence twice and this is the third application.

6. The learned Rent Court has held that the revision petitioner is in the habit of filing reopening petitions at every stage of the proceedings and also specifically found that in the earlier petition to reopen the revision petitioner's



evidence, the revision petitioner has stated that he intend to examine his sister.

The learned Rent Court relied on the decision in the case of ***J.Thennarasu***

Vs.Anitha Nalliah reported in (2022) 6 MLJ 271, where, this Court has held that even cross examination by the tenant himself cannot be permitted in a routine manner and applying this ratio, the learned Rent Court has held that the petitioner is not entitled to examine other witnesses.

7. The learned counsel for the revision petitioner would submit that the revision petitioner is only an employee under the respondent/landlord and at no point of time, he was a tenant and no lease agreement was also entered into between them. These are all matters, which the Rent Court will have to decide, after the parties let in evidence. As rightly held by the Rent Court, the scope of even cross examination by the tenant is limited in RLTOP proceedings and in such view of the matter, when, earlier, the revision petitioner himself had only sought for examination of his sister, who has been examined as RW2, in chief as well as cross, I see, no reason, why four more witnesses, who were totally unrelated to the proceedings should be



permitted to be examined on the side of the revision petitioner.

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8. I do not find any illegality or perversity in the order of the Rent Court.

Accordingly, this Civil Revision Petition is dismissed. However, the order of costs of Rs.1,000/- payable by the revision petitioner to the landlord/respondent is set aside and the Rent Court shall dispose of RLTOP.No.4 of 2023, within a period of two (2) months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

08-07-2025

jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Rent Court Judge, Udhagamandalam, The Nilgiris.



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P.B.BALAJI J.

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