



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.Nos.4468 and 4472 of 2025

and CMP.No.22801 and 22807 of 2025

Mrs.Usha Raveendran,
Proprietrix Ravindra Lodge
No.26, Vengu Chetty Street,
Park Town, Chennai.

... Petitioner in both CRPs.

Vs.

Mr.N.C.Kandasamy
S/o.Late. Mr.Chokalingam,
residing at No.39/76, Thirupalli Street,
Sowcarpet, Chennai.

... Respondent in both CRPs.

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to direct the learned VII Small Causes Judge, Chennai to number the unnumbered M.P.SR.Nos.44205 and 44206 of 2025 in RCA.No.99 of 2022 and 206 of 2021 and to hear and dispose the same.

For Petitioner in both CRPs : Mrs.Chitra Sampath
Senior Counsel
for Mr.M.Ganesan



For Respondent in both CRPs : Mr.A.Palaniappan
for caveator

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COMMON ORDER

The above Civil Revision Petitions have been filed to direct the learned VII Small Causes Judge, Chennai to number the unnumbered M.P.SR.Nos.44205 and 44206 of 2025 in RCA.Nos.99 of 2022 and 206 of 2021 and to hear and dispose the same.

2.Heard Mrs.Chitra Sampath, learned senior counsel for the revision petitioner and Mr.A.Palaniappan, learned counsel for the respondent/landlord.

3. The revision petitioner is facing eviction proceedings and subsequent to an order of eviction passed by the Rent Controller, the revision petitioner has preferred appeals in RCA.Nos. 99 of 2022 and 206 of 2021, before the learned VII Small Causes Court, Chennai.



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4. Pending the appeals, the petitioner/appellant sought to file additional documents. The application to receive additional documents came to be dismissed by the Appellate Authority.

5. The same was challenged by the petitioner before this Court in CRP.Nos.3525 and 3639 of 2025. The said revision petitions were disposed of on 26.08.2025, permitting the petitioner/appellant to produce the additional documents in original; the Appellate Authority was directed to receive and mark the documents, after verifying them with the copies already on record and permitted the petitioner/appellant to lead evidence based on the additional documents.

6. Timelines were also fixed for recording the evidence of the appellant as well as cross examination and now, I am informed that the documents have also been marked before the Appellate Authority and evidence has also been recorded, both in chief and cross.

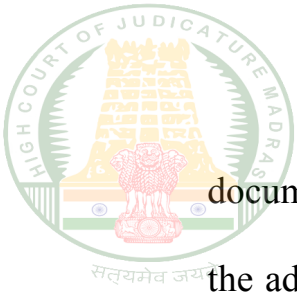
7. When the appeal was posted for arguments, the petitioner/appellant has filed an application seeking permission of the court to file an additional



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counter. The said application came to be returned by the Appellate Authority on 09.09.2025. The petitioner/appellant has re-presented the application, stating that the additional counter is necessary in view of there being no corresponding pleadings in respect of the additional documents which have been permitted to be marked, by the order passed in the revisions viz., CRP.Nos.3525 and 3639 of 2025. However, the Appellate Authority has not taken the application on file and hence, the same has been challenged in the present revision.

8. Mrs.Chitra Sampath, learned senior counsel appearing for the petitioner, inviting my attention to the order passed on 26.08.2025, in CRP.Nos.3525 and 3639 of 2025, would submit that this Court, conscious of the fact that the petitioner had taken a ground that the superstructure belonged to the petitioner's predecessors and not the respondent and the same going to the root of the matter and the documents were absolutely vital and necessary, permitted the documents to be marked. In fact, the respondent was also heard before the order came to be passed and the objection that was taken was that the documents were sought to be introduced in the RCA proceedings. However, this Court found that these



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documents would have to be necessarily marked, and only after considering the additional documents and related evidence, the Appellate Authority can arrive at proper conclusion. It is only in this context that the revision petitions came to be allowed, with a direction to mark the documents and also to lead evidence.

9. Mrs.Chitra Sampath, learned Senior counsel, would submit that now the documents have already been exhibited before the Appellate Authority, but, a plea should not be taken that there is no pleadings with regard to these additional documents that have been permitted to be marked and only in order to avoid such technical objections, the petitioner has filed the application by way of abundant caution and there is no bar in the Act for the tenant to file an additional counter before the Appellate Authority.

10. The learned Senior counsel prays for the revision being allowed and permission be granted to the petitioner/appellant to file the additional counter, which in fact has already been filed and the petitioner only seeks the same being taken on record.



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11. Per contra, Mr.A.Palaniappan, learned counsel for the respondent/landlord would state that the stand which was originally taken by the petitioner/appellant before the Rent Controller was entirely inconsistent and diametrically opposite to the stand which is now taken by the petitioner/appellant, by not only introducing several additional documents, but by also now seeking to file an additional counter.

12. The learned counsel would further state that there is no possibility of entertaining an application for filing an additional counter in a pending appeal.

13. He would also state that the petitioner/appellant having not sought to file additional counter at the time of disposal of the CRP.Nos.3525 and 3639 of 2025, is now estopped from seeking permission to file an additional counter. Therefore, he prays for the dismissal of the revisions.

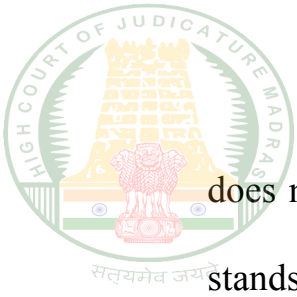
14. I have carefully considered the submissions advanced by the learned counsel on either side.



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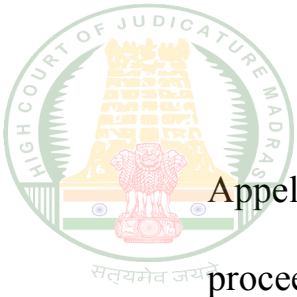
15. The very same issue that arises here were in fact decided in the earlier revision petitions, which were challenging the order of eviction passed by the Appellate Authority, confirming the order of eviction passed by the Rent Controller. This court finding merit in the contention of the petitioner/tenant that the documents which were sought to be produced were vital and absolutely necessary for consideration and the same had been ignored in the earlier orders, remitted the matter to the Appellate Authority with a specific direction to the Appellate Authority to mark all the additional documents. This Court also permitted evidence to be recorded, both chief and cross examination, which admittedly now stands concluded.

16. Therefore, when this Court has permitted the petitioner/appellant to exhibit various additional documents and evidence, the additional counter related to these documents, ought not to have been returned. The respondent/landlord was also permitted to cross examine the petitioner on these additional documents which opportunity has also been availed of. Hence, today it would only be fair and proper for the petitioner to ensure that there is a back up pleading in respect of these additional documents. Merely because this Court did not permit an additional counter to be filed, it



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does not imply that the petitioner has the right to file an additional counter stands foreclosed. There is merit in the contention of Mrs.Chithra Sampath, learned senior counsel that when this Court already permitted additional documents to be marked, there must be sufficient pleadings with regard to these additional documents, as otherwise, the same would be taken undue advantage of the respondent, by contending that these documents should not be looked into at all, since there is no pleadings in the original counter filed by the petitioner/tenant. Such an objection which infact is taken by Mr.A.Palaniappan, learned counsel for the respondent/landlord today also. In my considered opinion, if such an argument is advanced, it would defeat the very order passed by this Court on 26.08.2025, wherein, it has been categorically found that these documents which are now been permitted to be marked are vital documents and should be considered by the Appellate Authority to arrive at a just conclusion. An appeal is only a confirmation of the rent control proceedings before the Rent Controller and therefore the Appellate Authority is certainly having powers to permit filing of an additional counter. Already parties have adduced evidence regarding the contents of the additional counter and hence no prejudice would be caused to the respondent, if the additional counter is received. Therefore, the



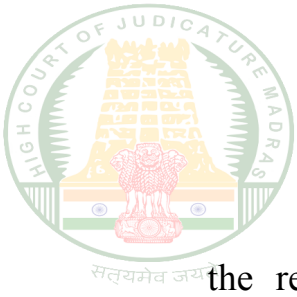
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Appellate Authority ought to have taken the additional counter on file and proceeded to hear the arguments and dispose of the appeal as directed by this Court.

17. In view of the above, I am inclined to set aside the order of return dated 09.09.2025 on the file of VII Judge Appellate Authority, Small Causes Court, Chennai. Accordingly, the additional counter shall be taken on file.

18. It is also brought to my notice by Mr.Palaniappan that the petitioner/appellant has now taken out an application for sending disputed signatures to be compared with the admitted signatures and the said application is also pending.

19. The Appellate Authority shall dispose of the said application within a period of two weeks from the date of receipt of a copy of this order and shall dispose of the appeal by the end of October 2025.



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20. The Registry shall return the additional counter filed along with the revision, to the counsel for the petitioner, after getting necessary acknowledgment.

22.09.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

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Note: Issue order copy on 25.09.2025

To

The Registrar, VII Small Causes Judge, Chennai.



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P.B. BALAJI, J.

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