



C.R.P.(PD)(MD)Nos.950 & 875 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)Nos.950 & 875 of 2025

and

C.M.P(MD)Nos.5047 & 4696 of 2025

C.R.P.(PD)(MD)No.950 of 2025

Mohaideen

...Petitioner/Petitioner/Respondent

Vs.

Shaliha

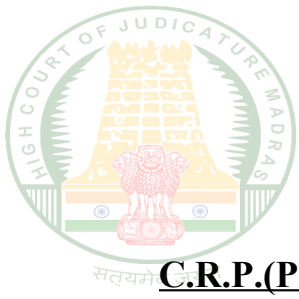
...Respondent/Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order dated 31-01-2025 passed in I.A.No.2 of 2024 in R.L.T.O.P.No.10 of 2020 on the file of the learned Principal District Munsif, Madurai Town and allow this civil revision petition.

For Petitioner : M/s.M.Pozhilan

For Respondent : Mr.R.Rajamohan

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C.R.P.(PD)(MD)Nos.950 & 875 of 2025

C.R.P.(PD)(MD)No.875 of 2025

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Mohaideen

...Petitioner/Petitioner/Respondent

Vs.

Shaliha

...Respondent/Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order dated 31-01-2025 passed in I.A.No.1 of 2024 in R.L.T.O.P.No.10 of 2020 on the file of the learned Principal District Munsif, Madurai Town and allow this civil revision petition.

For Petitioner : M/s.O.R.Gokul Abimanyu

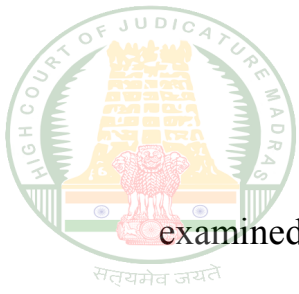
For Respondent : Mr.R.Rajamohan

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COMMON ORDER

The respondents/tenants in R.L.T.O.P.No.10 of 2020, on the file of the Principal District Munsif Court, Madurai, have filed the present revision petitions, challenging the order passed in I.A.Nos.1 & 2 of 2024, dated 31.01.2025.

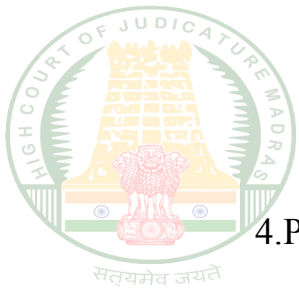
2.The respondents herein have filed the above said R.L.T.O.P. for evicting the tenants on the ground of owner's occupation. The landlord who was



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examined as P.W.1 has filed his proof affidavit on 08.11.2023. The tenant/revision petitioner was granted time till 16.10.2024, for cross examining P.W.1. It was posted on various dates. However, the tenant has not availed the said opportunity. Therefore, the plaintiff side evidence was closed. On 04.05.2024, it was posted for evidence on the side of the respondent/tenant. The tenant was not represented on the said date and the respondent side was closed by the Court and it was posted for arguments on 09.12.2024. In the meantime, the tenant has filed I.A.No.1 of 2024 to reopen the landlord side evidence and I.A.No.2 of 2024 to recall P.W.1 for cross examination. These two applications came to be dismissed by the Rent Controller on the ground that already much time has been availed by the tenant and under the new Act, it is the discretion of the Court to grant permission to the respondent to cross examine P.W.1. Challenging these two orders, the present revision petitions have been filed.

3. According to the learned Counsel appearing for the revision petitioners, P.W.1 is the power agent of the landlord and he is not competent to depose on the part of the landlord. Therefore, the said questions have to be raised by P.W.1 during his cross examination and if chance is granted to him, he will complete the cross examination on a single day.



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4.Per contra, the learned Counsel appearing for the respondents/landlords herein has pointed out that there is no evidence as on today on the side of the respondents/tenants and if any chance is granted for cross examination of P.W.1, they will come out with another application to let in evidence on their side. The eviction petition is pending for the past five years and therefore, these application have been filed only to drag on the proceedings.

5.I have considered the submissions made on either side and perused the materials available on record.

6.The power agent of the landlord, namely, P.W.1 has filed his proof affidavit on 08.11.2023. Thereafter, the matter has been adjourned on several occasions for a period of one year and ultimately only on 16.10.2024, the landlord side evidence was closed without being cross examined by the tenant. That apart, the tenant has not chosen to let in any evidence and in such circumstances, the question of permitting him to again reopen the case would not arise.

7.In case, if the revision petitioners/tenants feel that the power agent is not competent to depose, the said competency could be raised in the argument stage.



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8. With the above said liberty, both the Civil Revision Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

21.03.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Principal District Munsif,
Madurai Town.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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