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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.808 of 2025

and

C.M.P(MD)No.4345 of 2025

K.Muthukrishnan

...Petitioner/Petitioner/Respondent

Vs.

1.Periyasamy

2.Mannar Mannavan

...Respondents/Respondents/Petitioners

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to pass an order setting aside the fair and executable order dated 08-01-2025 passed in the application in I.A.No.1 of 2024 in R.L.T.O.P.No.27 of 2023 on the file of the First Additional District Munsif Court, Madurai Town, and allow the same.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.M.Kannan

* * * * *

ORDER

The tenant/respondent in R.L.T.O.P.No.27 of 2023, on the file of the I Additional District Munsif Court, Madurai Town, has filed the present revision petition challenging the dismissal of his application to reopen his side evidence.

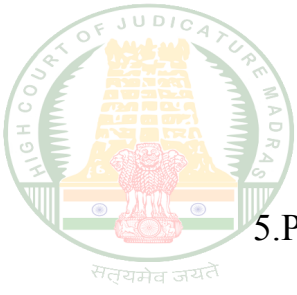


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2.The respondents herein as landlords have filed the above said R.L.T.O.P. for evicting the revision petitioner herein on the ground of wilful default and also on the ground of not entering into a fresh agreement under the New Act.

3.The evidence on the side of the landlord was closed on 06.09.2024. It was adjourned to 26.09.2024, 15.10.2024, 06.11.2024 and 14.11.2024 for the tenant to let in evidence. Since the tenant had not let in evidence, the tenant side was closed on 14.11.2024. Thereafter, the tenant has filed I.A.No.1 of 2024, on 28.11.2024, to re-open his side for letting in evidence. This application was dismissed by the Rent Controller on the ground, it has been filed to drag on the proceedings. Challenging the same, the present revision petition has been filed.

4.According to the learned Counsel appearing for the revision petitioner, the petitioner could not present his evidence due to his ill health and therefore, the evidence was closed by the Rent Controller on 14.11.2024.



5.Per contra, the learned Counsel appearing for the respondent/landlord has contended that opportunities were granted to the tenant at least on four occasions. Despite the said fact that the tenant has not chosen to let in evidence and hence, the trial Court has correctly closed the evidence on the side of the tenant.

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

7.Considering the fact that R.L.T.O.P. is of the year 2023 and the evidence was closed only on 14.11.2024 and immediately the present application has been filed on 28.11.2024, this Court is of the considered opinion that one more opportunity could be granted to the tenant to put forth his case.

8.Considering the above said facts, the order impugned in the revision petition is hereby set aside and the revision petition stands allowed. The Rent Controller is directed to dispose of R.L.T.O.P. 27 of 2023, on or before **30.06.2025.**



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9. With the above said deliberations, this Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

08.04.2025

Internet: Yes/No
Index: Yes/No
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To

The learned I Additional 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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