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C.R.P.No.196 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.01.2026

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.196 of 2026
and CMP.No.813 of 2026

Dr.Mohammed Junaidghatala,
Correspondent and Secretary of Oliver International School,
No.25, Old No.38, Pulla Avenue,
Shenoy Nagar,
Chennai – 600 030.

... Petitioner

vs.

Dr.ArulnithiAyyanathan

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 03.01.2025 made in RCA.No.27 of 2025 on the file of the IX Small Causes Court, Chennai by confirming the fair and decreetal order dated 29.10.2025 made in M.P.No.12 of 2025 in RCOP.No.705 of 2017 on the file of the XVI Small Causes Court, Chennai and the CRP.

For Petitioner : Mr.S.A.Gandhi

For Respondent :Mr.J.Varun
for Caveator



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ORDER

The Civil Revision Petition is filed challenging the order passed by the Courts below, dismissing the application filed by the petitioner seeking to reopen the petitioner's side evidence in RCOP.No.705 of 2017 and permit the petitioner to examine one A.Rajakumari as his witness.

2. The respondent herein filed a petition for eviction against the petitioner on the ground of wilful default and owners occupation. The petitioner filed counter and resisted the eviction petition on the ground that he was inducted as tenant by respondent's mother A.Rajakumari and the petitioner is not a tenant under the respondent.

3. During enquiry before the Rent Controller, inspite of opportunity, the petitioner failed to examine any witness on his side. Therefore, the petitioner's side evidence (respondent in eviction petition) was closed by the Rent Controller. Now, the instant application has been filed by the petitioner seeking to reopen the case to enable him to examine the above said A.Rajakumari as his witness. The said application has been dismissed



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by the Rent Controller. Aggrieved by the same, the petitioner has come by way of this revision petition.

4. The learned counsel appearing for the petitioner would submit that the specific case of the petitioner is that he was inducted as a tenant by respondent's mother A.Rajakumari and she is willing to give evidence on behalf of the petitioner and therefore, an opportunity may be given to the petitioner to examine her on his side.

5. The learned counsel appearing for the respondent vehemently contended that inspite of sufficient opportunity given to the petitioner, he failed to examine any witness on his side before the Rent Controller. Therefore, the instant application filed by him is only an attempt to drag on the proceedings.

6. It is seen from the typed set of papers, the petitioner who was arrayed as respondent before the Rent Controller has not examined any witness on his side and the same is now posted for arguments of the respondent before the Rent Controller. Since the petitioner has not examined any witness, so far, before the Rent Controller, in light of the



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stand taken by him, an opportunity shall be given to the petitioner to examine the witness of his choice. However, taken into consideration, the RCOP was of the year 2017 and the petitioner's side evidence was closed by the Rent Controller as early as 06.03.2024 and the instant application has been filed by him only in the year 2025, after considerable the delay. This Court is inclined to allow this revision by directing the petitioner to pay cost to the respondent.

7. Accordingly, the Civil Revision Petition stands allowed by setting aside the impugned order passed by the Courts below. The petitioner is permitted to examine a witness mentioned in this petition and the examination of the witness shall be completed within a period of four weeks from the date of uploading of this order and the petitioner shall makes a payment of Rs.10,000/- as cost to the respondent within a period of one week from the date of uploading of this order. In case of failure of the petitioner to pay the amount within the time stipulated, the Civil Revision Petition shall stand automatically dismissed without further reference to this Court.



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8. After due compliance, the petitioner shall examine the witness and complete the examination within a period of four weeks from the date of uploading of the order. No costs. Consequently, connected miscellaneous petition is closed.

22.01.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

1.The IX Small Causes Court,
Chennai.

2.The XVI Small Causes Court,
Chennai.



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S.SOUNTHAR, J.

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