



C.R.P.No.4290 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.4290 of 2024
and
C.M.P.No.24149 of 2024
and
C.M.P.No.8149 of 2025

G.Arumugam

... Petitioner

VS.

K.Munusamy

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal Order dated 06.07.2024 made in M.P.No.3 of 2024 in R.C.O.P.No.69 of 2014 on the file of the Principal District Munsif Court, Alandur.

For Petitioner : Mr.R.Bharath Kumar

For Respondent : Mr.J.Ravikumar



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the Principal District Munsif Court/Rent Controller, Alandur in M.P.No.3 of 2024 in R.C.O.P.No.69 of 2014, dated 06.07.2024 dismissing the petition filed by the petitioner to receive two documents.

2. The respondent herein filed a rent control eviction petition in R.C.O.P.No.69 of 2014 on the ground of wilful default. The petitioner herein filed counter and has been resisting the same by denying the jural relationship of landlord and tenant.

3. The enquiry in the RCOP already commenced and the same is in the stage of RW.1 chief. At this stage, the present petitioner has been filed by the petitioner seeking to receive two documents namely deposition of the respondent in a suit between the same parties in O.S.No.1034 of 2021 on the file of the Sub Court, Alandur and the judgment delivered in the said suit. The said petition was dismissed by the Rent Controller and aggrieved by the same, the petitioner has come before this Court.



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4. The learned counsel appearing for the petitioner would submit that there is a dispute with regard to the jural relationship in the rent control proceedings and the petitioner/tenant filed a suit in O.S.No.1034 of 2021 for Specific Performance against the respondent/landlord in respect of the very same property and the said suit was partly decreed. Therefore, the deposition of the respondent in the said suit and judgment passed in the said suit will have a bearing on the final outcome of the present eviction proceedings. Without appreciating the same, the Rent Controller dismissed the petition.

5. The learned counsel appearing for the respondent would vehemently contend that the respondent himself was examined as PW.1 before the Rent Controller. In such circumstances, the petitioner is not entitled to mark his evidence recorded in some other collateral proceedings. The learned counsel further submitted that the suit for Specific Performance filed by the petitioner is concerning the some other property and not connected with the demised premises. Therefore, judgment sought to be produced is irrelevant for the purpose of the eviction proceedings.



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6. As far as the first document is concerned, the person, who deposed before the Civil Court is very much alive and he was also examined as PW.1 before the Rent Controller in the present proceedings. Therefore, in view of Section 33 of the Indian Evidence Act, 1872, the petitioner is not entitled to mark the same before the Rent Controller. The order passed by the Rent Controller dismissing the application in respect of first document is confirmed.

7. As far as the second document is concerned, it is a judgment rendered in a suit for Specific Performance filed by the petitioner against the respondent. It is the case of the petitioner that the subject matter of the suit in O.S.No.1034 of 2021 and the demised premises are one and the same. However, it was seriously disputed by the respondent. In the judgment copy, there will be no description of the property. Therefore, unless the petitioner produces the decree copy, the Rent Controller will not be in a position to come to the conclusion that whether the judgment and decree relied by him are relating to the demised premises or not.

8. At this juncture, the learned counsel appearing for the petitioner would submit that his client is ready to produce the certified copy of the



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Judgment and Decree in O.S.No.1034 of 2021 on the file of the Sub Court, Alandur. The said statement is recorded.

9. If the certified copies of the Judgment and Decree passed by the Sub Court, Alandur in O.S.No.1034 of 2021, dated 04.03.2024 are produced by the petitioner, the Court below can receive the same. In case, the petitioner attempt to mark the certified copy of the judgment and decree through RW.1, the respondent is entitled to object for marking of the same by questioning the relevancy. Even then, the Rent Controller shall mark the document subject to objection and the question of relevancy can be gone into at the time of final disposal of the eviction petition.

10. With this direction, the Civil Revision Petition stands disposed of. No costs. Consequently, the connected civil miscellaneous petitions are closed.

26.02.2026

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

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To

The Principal District Munsif Court,
Alandur.

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S.SOUNTHAR, J.

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