

**(1995) 08 MAD CK 0048**  
**In the Madras High Court**  
**Case No : C.R.P. No. 312 of 1995**

Jayarama Ramachandra Reddy and others APPELLANT  
Vs  
J. Sathyanarayana and others RESPONDENT

**Date of Decision :** 03-08-1995

**Acts Referred:**

Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 — Section 1, 10(2)(1)  
Tamil Nadu Buildings (Lease and Rent Control) Rules, 1974 — Rule 12(2)

**Citation :** AIR 1996 Mad 168 : (1995) 2 CTC 258

**Hon'ble Judges :** S.M. Ali Mohamad, J

**Bench :** Single Bench

**Advocate :** V. Raghavachari, for the Appellant; N. Ishtiaq Ahmed, for the Respondent

## **Judgement**

S.M. Ali Mohamad, J.—This Civil Revision Petition is directed against the order passed by the District Munsif, Hosur, in I.A. No. 24 of

1994 in RCOP No. 7 of 1992 dated 21-11-1994, refusing permission to the petitioners to file additional counter-statement, in R.C.O.P. No. 7 of

1992. The petitioners herein are the tenants. The respondents are the landlords. The respondents filed an application under Sections 10(2)(1);

10(3)(a)(i) and 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, for wilful default, owners' occupation and for

demolition and reconstruction. The petitioners herein have filed I.A. No. 24 of 1994 for filing additional counter-statement and the same was

rejected by the District Munsif (Rent Controller), Hosur. Aggrieved by the same, the petitioners herein have approached this Court.

2. Mr. V. Raghavachari, learned counsel for the petitioners, submitted that the impugned order is unsustainable in law. The reasons given by the

District Munsif (Rent Controller), Hosur, for not permitting the additional counter-statement is that there is a delay in filing the additional counter-statement. On the other hand, the learned counsel for the respondents submitted that there is no error or infirmity in the impugned order. I have considered the contentions of the counsel for the petitioners and the respondents. The petition before the District Munsif (Rent Controller), Hosur, is filed by the petitioners herein to permit the petitioners to file additional counter-statement. Rule 12(2) of the Tamil Nadu Buildings Lease and Rent Control Rules, 1974 and in particular, Rule 12 mentions the procedure for the disposal of the applications. Rule 12(2) states that the Rent Controller or an authorised officer or an officer authorised by him as the case may be shall give to the parties a reasonable opportunity to state their case. The reasonable opportunity in this case is in the form of filing a counter-statement. As the petitioners Have not stated certain particulars in the original counter-statement, they have asked for permission to file additional counter-statement. The reasoning of the Rent Controller/District Munsif, Hosur that it is belated is unsustainable. Rule 12(2) specifically states that the Rent Controller or the authorised officer shall give the parties a reasonable opportunity to state their case. Filing of additional counter-statement will come under providing reasonable opportunity to the petitioners to amend the pleadings. There is infirmity in the order of the learned Rent Controller/District Munsif, Hosur. Instead of allowing the additional counter-statement and completing the pleadings, the Rent Controller has gone into the merits of the case which is also not permissible at the stage of filing additional counter-statement. After the respective parties are given reasonable opportunity to state their case, evidence of the parties and witnesses on either side have to be examined by the Rent Controller as per Rule 12(2). In view of the above, I feel that the principles of natural justice will apply to the facts of this case and the petitioners are entitled to be permitted to file additional counter-statement. With the above observations, this Civil Revision Petition is allowed. The respondents-landlords are entitled to file a reply to the additional counter-statement. No costs.

3. Petition allowed.