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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2026

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P. No. 2259 of 2024

&

C.M.P. No. 11926 of 2024

Pelita Nasi Kandar International (P) Ltd.,
Rep. by its Director Mr. K. Uswath Khan,
Appasamy Towers, No.16, 17 and 18,
Thyagaraja Road, T. Nagar,
Chennai 600 017.

..Petitioner

Vs.

Mr.T. Senthilkumaran

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 03.04.2024 passed in M.P. NO. 1 of 2023 in RLTOP NO. 344 of 2023 on the file of XIII Judge, Court of Small Causes (Rent Court) at Chennai.

For Petitioner :: Mr.A. Thayaparan

For Respondent :: Mr.Kaushik N. Sharma for
M/s. KNS Law Chambers



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ORDER

This civil revision petition has been filed challenging the impugned order dated 03.04.2024 passed by the XIII Judge, Court of Small Causes, Chennai in M.P. No. 1 of 2023 in RLTOP No. 344 of 2023.

2. By the aforesaid order, the miscellaneous petition filed by the petitioner/tenant, under Section 36(1) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (hereinafter “the Act, 2017” in short), seeking to eschew the evidence of P.W.1 (respondent/landlord) and Exhibits P1 to P6, has been dismissed by the XIII Court of Small Causes, Chennai, giving the following reasons:

“14. In the light of the discussion made supra, this Court comes to a conclusion that the relief sought by the petitioner cannot be granted for the reason that the evidence cannot be eschewed since there is no provision to eschew the documents marked nor the summary examination conducted by the Court. Secondly, the petitioner has not mentioned in what way the natural justice is violated and also has raised frivolous ground stating that the documents marked as Ex.P1 to Ex.P6 is not accompanied by affidavit. From the procedure adopted and from the adjudication, it is clear that the documents received is filed along with the affidavit and only those documents filed along with affidavit is marked. It is



also clear that the petitioner has been summarily inquired and the respondent is also given opportunity to appear for summary inquiry. Thus, the petitioner is not entitled to the relief sought to eschew the evidence of P.W.1 and Exs.P1 to P2 (sic). ”

3. The petitioner, while filing the miscellaneous petition before the XIII Court of Small Causes, Chennai, had raised a contention that the respondent(landlord) had not followed the procedure at the time of his examination as a witness as contemplated under Section 36(2) of the Act, 2017. According to the petitioner, the documents marked as exhibits on the side of the respondent(landlord) were not accompanied by an affidavit as required under Section 36(2) of the Act, 2017.

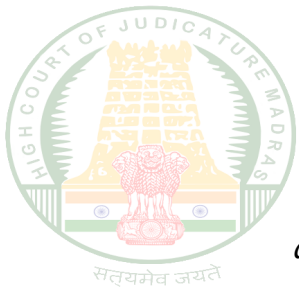
SUBMISSIONS:

4. Learned counsel for the petitioner drew the attention of this Court to Section 36(2) of the Act, 2017, which reads as follows:

“36. Procedure of Rent Court and Rent Tribunal: -

(1).....

(2) In every case, before the Rent Court and the Rent Tribunal, the evidence of a Witness shall be given by Affidavit. However, the Rent Court and the Rent Tribunal, where it



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appears to it that it is necessary in the interest of justice to call a Witness for examination or cross-examination, such Witness can be produced and may order attendance for examination or cross-examination of such a Witness.

... ”

He would point out that it is clear from Section 36(2) of the Act 2017, that the evidence of any witness shall be given only through an affidavit. He would submit that in the instant case, no such affidavit was filed by the respondent (landlord) when the documents filed by him were marked as exhibits by the XIII Court of Small Causes, Chennai in RLTOP No. 344 of 2023. He would further submit that subsequent to the respondent (landlord), having entered into the witness box, the documents ought not to have been marked as exhibits on his side without an accompanying affidavit having been filed by him.

5. Learned counsel for the petitioner also drew the attention of this Court to the impugned order dated 03.04.2024 and would submit that the Court below had, erroneously, held that the procedure prescribed under the Act had been followed by the respondent (landlord). When this Court posed a query to the learned counsel for the petitioner,



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whether in respect of other rent control proceedings, the procedure sought to be followed for the marking of exhibits on the side of any witness, is being followed by the Rent Control Court, the learned counsel for the petitioner fairly conceded that in other matters pending before the Rent Control Court, no such affidavit was being sought for, by the Rent Control Court.

6. He would however submit that this Court will have to lay down the law in accordance with Section 36(2) of the Act, 2017, so that an affidavit can be filed by the witness, along with the exhibits before the Rent Control Court, on whose behalf, the exhibits are being marked by the Rent Control Court.

7. On the other hand, learned counsel for the respondent would submit that the application filed by the petitioner, seeking to eschew the evidence of P.W.1 and exhibits P1 to P6, has been rightly rejected under the impugned order. He would submit that the impugned order is a well-considered order and the decision rendered by this Court in the case of ***J. Thennarasu V. Anita Nalliah in C.R.P.(PD) No. 2532 of 2021 and C.R.P. (NPD) Nos. 2372 & 2373 of 2021 reported in 2022 (5) CTC 519***, which dealt with summary proceedings under the Act, 2017 and the decision of this



Court in ***T. Muthuraj V. K. Saroja and Others in C.R.P. No. 4355 of 2022***

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and C.M.P. No. 22912 of 2022, which dealt with a similar issue of filing of an affidavit, have been duly considered by the Court below and only thereafter, the Court below has come to the right conclusion that there is no necessity for an affidavit to be filed by the respondent/landlord for the purpose of marking exhibits on the side of the said respondent/landlord. He would also submit that the proceedings before the XIII Court of Small Causes, Chennai, in RLTOP No. 344 of 2023 is a summary proceeding and therefore, as per Section 36(1) of the Act, 2017, the Court below is not bound by the procedure laid down by the Code of Civil Procedure, but shall only be guided by the principles of natural justice and shall have the power to regulate its own procedure. Therefore, he would submit that the impugned order does not suffer from any infirmity. He would also submit that in view of the interim stay granted by this Court as early as in the year 2024 in this civil revision petition, the proceedings before the Court below have been stalled and the respondent (landlord) is unable to get an order of eviction against the petitioner.



WEB COPY **DISCUSSION:**

8. The proceedings before the XIII Court of Small Causes, Chennai under the Act, 2017 is a summary proceeding. The Act, 2017, contemplates for an early disposal of landlord-tenant disputes. In fact, as per Section 36(6) of the Act, 2017, it has been made clear that all applications under clauses (a), (b), (c), (e), (f) & (h) of sub-section (2) of Section 21 shall be decided within 90 days of filing of the application to the Rent Court. The instant application filed by the petitioner falls under the said category.

9. In the case on hand, the documents which are marked as exhibits were not marked through a witness, but were marked as exhibits on behalf of the respondent/landlord. Being a summary proceeding, the documents produced by the Respondent/ landlord were marked as exhibits without there being a necessity for the party to get into the witness box. A party to the dispute need not always be a witness. A witness is a person who testifies on oath and deposes as it is legally permissible under the Act, 2017 before a court of law and they can be cross-examined as well. Therefore, the term “witness” envisaged under Section 36 (2) of the Act, 2017 shall not be



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applicable to the situation where the documents were marked as exhibits by the Rent Court, produced by the Respondent/ Landlord, who is not a witness.

Further, under the Act 2017, the right of cross examination is available only when the Rent Court grants explicit permission. A witness will have to testify before a court of law on oath. The Act, 2017, which adopts a summary procedure does not contemplate marking of exhibits only after oath by the party who has produced the said documents.

10. In the case on hand, the petitioner has not been cross-examined by the opposite party and the Rent Control Court also did not grant permission to the petitioner(tenant) to cross-examine the respondent (landlord). Only in cases where the Rent Control Court grants explicit permission under the Act, 2017, the opposite party will be allowed to cross-examine any party. Therefore, the term “witness” found in Section 36(2) of the Act, 2017 is not be applicable to a situation where no permission was granted by the Rent Court for cross-examination.

11. Under the Act, 2017, there was no necessity for the filing of an affidavit before the Rent Court for the purpose of marking the exhibits produced on behalf of any of the parties to the proceeding. Only if



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a witness has to be examined, who will have to testify on oath, an affidavit as contemplated under Section 36(2) of the Act, 2017 is required. Section 36(2) of the Act, 2017, as observed earlier, shall be applicable only in cases where express permission is granted by the Rent Court to cross-examine any witness and only in those cases, an accompanying affidavit should be filed

12. The Rent Court, while dismissing the application, had followed two decisions rendered by this Court, namely,

- (i) J. Thennarasu V. Anita Nalliah in C.R.P.(PD) No. 2532 of 2021 and C.R.P.(NPD) Nos. 2372 & 2373 of 2021 reported in 2022 (5) CTC 519; and***
- (ii) T. Muthuraj V. K. Saroja and Others in C.R.P. No. 4355 of 2022 and C.M.P. No. 22912 of 2022.***

As far as the decision rendered in *J. Thennarasu's* case is concerned, it was relied upon to highlight the fact that the Act, 2017 contemplates speedy disposal of disputes between landlord and tenant and the Rent Court has the discretion to regulate its own procedure as per Section 36(1) of the Act, 2017. The only requirement to be followed by the Rent Court, as per Section 36(1) of the Act, 2017 is that it has to adhere to



the principles of natural justice.

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13. The Rent Court has also followed another decision of this Court in *T. Muthuraj 's* case wherein a similar contention was raised and the same was rejected by this Court by holding that if no affidavit is filed by a witness while giving evidence, the same is not an impediment for the Rent Court to proceed with the case on merits.

14. Therefore, it is clear that the Rent Court, while dismissing the application filed by the petitioner to eschew the evidence of P.W.1, had properly considered the law on this issue and had rightly dismissed the application filed by the petitioner. The petitioner, who is a tenant, is having the benefit of interim stay right from the year 2024 onwards through this civil revision petition. When the Act contemplates for an early resolution of dispute between the landlord and the tenant, the question of granting any further protection to the petitioner(tenant) does not arise.

15. For the foregoing reasons, this Court does not find any merit in this civil revision petition in view of the fact that RLTOP No. 344 of 2023 is pending on the file of the XIII Court of Small Causes, Chennai from 2023 onwards despite the Act contemplating an early disposal of



landlord-tenant disputes. Therefore, necessarily, a direction will have to be

issued by this Court to the Rent Court to dispose of RLTOP No. 344 of 2023

within a time-frame to be fixed by this Court.

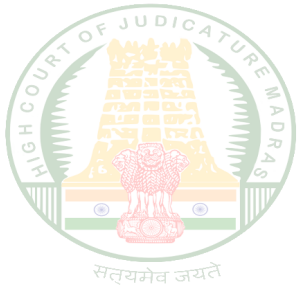
DECISION:

16. Since there is no merit in the civil revision petition, the same is dismissed. A direction is issued to the XIII Judge, Court of Small Causes, Chennai, to dispose of RLTOP No. 344 of 2023 within a period of three months from the date of receipt of a copy of this order. No costs. Connected C.M.P. is closed.

03.07.2026

Neutral Citation :Yes
nv

To
The XIII Judge,
Court of Small Causes,
Chennai.



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ABDUL QUDDHOSE,J.

nv

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