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CRP No. 3974 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

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THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 3974 of 2026
AND
CMP NO. 17386 OF 2026**

Jolly Banerji

... Petitioner

Vs

1. M. Rangaprakash
2. M. Leela

..Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow the above Civil Revision Petition by setting aside the Fair and Decretal order dated 30.06.2026 passed in M.P.No.1 of 2026 in RLTOP No.65 of 2026 on the file of the XV Court of Small Causes, Chennai.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.Anish Gopi

ORDER

This Civil Revision Petition has been filed challenging the impugned order dated 30.06.2026 passed by the XV Court of Small Causes, Chennai in M.P.No.1 of 2026 in RLTOP No.65 of 2026.



CRP No. 3974 of 2026

WEB COPY

2. In the aforesaid order, the application filed by the petitioner, who is a tenant seeking leave of the court to cross-examine the respondent has been dismissed by giving the following reasons :-

(a) the petitioner is no way connected to the partition suit in C.S.No.691 of 1982.

(b) petitioner's tenancy status in the premises is admitted.

(c) the fact that the respondents are co-sharers in the premises vide final decree in C.S.No.691 of 1982 is also admitted by the petitioner.

(d) the respondents' exclusive title over the premises is not a condition precedent for filing RLTOP as it is a settled law that co-sharers have absolute right to initiate eviction proceedings against the tenants and the consent of the other co-sharer is presumed. If at all there is any order passed which directly affects the right of the respondents over the petition premises, the petitioner ought to have filed it along with the application, but it was not done so.

3. In the impugned order, the rights of the petitioner has also been protected by the court below by observing that the petitioner is at liberty to



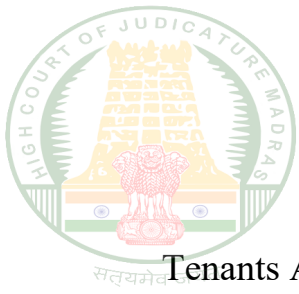
CRP No. 3974 of 2026

produce any order passed by any court of law with regard to the premises which he is occupying at the subsequent stage of the proceedings, since RLTOP is a summary proceeding in nature.

4. The court below has also taken into consideration the decision rendered by the Madras High Court in the case of *J.Thennarasu Vs. Anita Nalliah* reported in **(2022) 6 Mad LJ 2716** and it is observed that the petitioner has not satisfied the requirements for cross-examination as per the aforesaid decision rendered by the Madras High Court. In the aforesaid decision, the Madras High Court has laid down under what circumstances a tenant can seek leave of the court for cross-examination of the landlord, who has filed RLTOP.

5. Learned counsel for the petitioner would submit that only to ascertain the actual person, who is entitled to collect rent, there became a necessity for the petitioner to file M.P.No.1 of 2026 seeking leave of the court to cross-examine the respondents/alleged landlord.

6. However, as seen from the RLTOP No.65 of 2026 filed only u/s 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and



CRP No. 3974 of 2026

WEB COPY

Tenants Act, 2017 (in short 'the Act'), the said provision gets attracted when the tenant has not come forward to get the lease deed registered even though a request has been made by the landlord for the said purpose. Therefore, the question of ascertaining as to whether the respondents are entitled to receive the rent or not does not arise as admittedly the petitioner himself has admitted that the respondents are co-sharer of the premises. As rightly held by the court below, it is settled law that a co-sharer can also file proceedings under the Act seeking eviction of the tenant.

7. In the case on hand, the respondents being co-sharers have instituted proceedings u/s 21 of the Act against the petitioner seeking eviction. Only in case of wilful default in the payment of rent as rightly pointed out by the learned counsel for the respondents, the issue as to whether the respondents are entitled for rent or not will have to be ascertained by the court below. In the case on hand, there is no such requirement for the court below to adjudicate the petition filed by the respondents u/s 21(2)(a) of the Act seeking eviction of the petitioner on the ground that he has not come forward to get the lease deed registered. The proceedings before the rent court is a summary proceeding as per the provisions of the Act. Therefore, being a discretionary remedy vested with the rent court to



CRP No. 3974 of 2026

WEB COPY

grant leave to cross-examine the witness, the question of interfering with the impugned order does not arise as sound reasons have been given by the rent court for dismissing the petitioner's application. This Court does not find any infirmity in the reasons given by the court below for dismissing the petitioner application. The court below has also applied the principles laid down by the Madras High Court in the case of *J.Thennarasu Vs. Anita Nalliah* reported in (2022) 6 Mad LJ 2716 with regard to the circumstances under which an application seeking leave of the court for cross-examination of the landlord can be entertained.

8. Since there is no merit in this revision, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

21-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

The XV Court of Small Causes, Chennai.



WEB COPY



CRP No. 3974 of 2026

ABDUL QUDDHOSE J.

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