

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

**C.R.P.(P.D) No.2073 of 2021
and C.M.P.No.15744 of 2021**

Suseela

...Petitioner

Vs.

1. M.D.Mohamed FaiyazMoinuddin

2. M.D.Mohamed AijazAzharuddin

...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 16.12.2020, passed by the learned I Assistant City Civil Court, Chennai in O.S.Sr.No.8505 of 2020.

For Petitioner : Richardson Wilson

ORDER

This Civil Revision Petition is filed, challenging the order passed by the learned I Assistant City Civil Court, Chennai in O.S.Sr.No.8505 of 2020 on 16.12.2020.

2.The learned counsel for the petitioner submitted that the petitioner entered as a tenant in respect of the suit property under

respondent's father M.Mohamed Dawood. Respondent's father M.Mohamed Dawood initiated R.C.O.P.No.1352 of 1991 for fixation of a fair rent. Petitioner preferred R.C.A.No.1344 of 1993 and R.C.A.No.1371 of 1993 was filed by Respondent's father and the fair rent fixed. The respondent's father M.Mohamed Dawood died and thereafter, the respondents become the owners of the suit property.

3.As per the new Act namely Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act 2017, there must be an agreement entered into between a landlord and the tenant and the petitioner requested the respondents to enter into a tenancy agreement. The respondents refused to enter into tenancy agreement and have claimed an exorbitant rent amount. Therefore, the suit in O.S.Sr.No.8505 of 2020 was filed. The learned I Additional Judge, City Civil Court, Chennai, has raised the maintainability issue and returned the suit in O.S.Sr.No.8505 of 2020. Therefore, the present Civil Revision Petition is preferred.

4.Considered the submissions of the learned counsel for the petitioner and perused the records.

5.As per the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act 2017, the tenancy between land lord and tenant must be entered into in the form of an agreement. It is the specific case of the petitioner that the respondents are not coming forward to enter into a tenancy agreement. Therefore, the filing of a suit in O.S.Sr.No.8505 of 2020 cannot be considered as illegal or not maintainable. Therefore, the learned I Additional Judge, City Civil Court, Chennai, is directed to number the plaint in O.S.Sr.No.8505 of 2020 and issue summons to the respondents/defendants and dispose of the case on merits and in accordance with law.

6.Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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30.09.2021

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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

G.CHANDRASEKHARAN.J,

ep

To

- 1.The I Additional Judge,
City Civil Court,
Chennai.
- 2.The Section Officer,
VR Section,
High Court of Madras.



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