



WEB COPY



CRP(PD)No.933 of/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

CRP(PD)No.933 of 2022
and C.M.P.No.4755 of 2022

1.M.Syed Abudhagir
S/o.S.U.Musthafa

2.S.Kamila Banu
w/o.M.Syed Abudhagir

3.Aprose Sulthana
d/o.M.Syed Abudhagir

4.Ashraf Jammal
S/o.M.Syed Abudhagir

... petitioners

Vs.

Dr.E.Hemanthraj
S/o.Late Ellusamy

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 30.11.2021 in M.P.No.130 of 2021 in RLTOP.No.15 of 2020 on the file of Principal District Munsif, Alandur.

For Petitioners : Mr.M.Vinoth Kumar

For Respondent : Mr.T.M.Pappiah
for M/s.Duraikkan S.Phillip



ORDER

The tenants in RLTOP No.15 of 2020 have taken out an petition in M.P.No.130 of 2021 for a direction to the respondent / landlord to produce his I.T. returns. This is dismissed and is now under challenge.

2.Heard both the learned counsel for the revision petitioners and that of the caveator.

3.The landlord has laid an eviction proceedings before the Rent Court on two grounds – (a) that the rent agreement is not registered with a rent authority; and (b) on grounds of wilful default.

4.So far as payment of rent is concerned, the landlord admits that he is not in the habit of issuing rent receipts but still admits that the rent has been paid by the tenants till February, 2019. The tenants admit that they have not paid any rent from October, 2019. This dispute is now about the payment of rent during the interregnum period from March, 2019 to September, 2019.

5.The landlord in his cross examination appears to have admitted that the



rental income that he had received is reflected in the I.T. Returns, and to prove that the rents indeed have been paid by the tenant, the latter had filed the present petition for production of the I.T. returns by the landlord for the year 2016 to February, 2019.

6.Now it is not in dispute that the tenant is in default in the matter of payment of rent from October, 2019. In the course of the argument, the learned counsel for the landlord circulated an order of this Court dated 07.03.2022 in C.R.P.(PD)No.574 of 2022, wherein this Court has directed an expeditious disposal of RLTOP. No.15 of 2020 within a period of six (6) months from the date of receipt of the order. The Rent Court has indicated that the present application is a ruse to drag on the proceeding.

7.Even though the landlord has admitted that he is not in the habit of issuing receipts for the rentals received, he has also equally admitted the receipt of rents upto February, 2019. The dispute is all about the payment of rents subsequently. Of this, the tenants themselves have admitted that they have not paid any rent from October, 2019. Now, given the fact that the landlord has admitted receipt of rents upto February, 2019, there is hardly any dispute



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on this fact and to prove which, there is no need for directing the landlord to produce his IT returns of the previous years 2016-2017, 2017-2018, 2018-2019 etc., This Court, therefore, wonders how production of IT returns is going to save the tenant.

8.In conclusion, this Court is satisfied that there is hardly any illegality or irregularity in the impugned order and does not intend to interfere with the same.

9.The Civil Revision Petition is dismissed accordingly at the admission stage itself. Consequently, the connected miscellaneous petition is also dismissed.
No costs.

11.04.2022

kas

Note: Office to issue order copy on 18.04.2022

To

The Principal District Munsif
Alandur.



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N.SESHASAYEE, J.
kas

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