



C.R.P(PD).No.692 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P(PD).No.692 of 2022

Pushpavalli Suresh Babhu

... Petitioner

Vs

M/s.Sopos Technologies Pvt. Ltd.,
Represented by its Director, Mr.Balamurugan,
Plot No.30, Old No.5, New No.9,
Sundar Nagar - 1st Avenue,
Ekattuthangal, Chennai – 600 032

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to allow the revision petition, setting aside the order and decree dated 21.02.2022 passed in M.P.Sr.No.49843 of 2021 in R.L.T.O.P.No.510 of 2020 on the file of the XVI Court of Small Causes, Chennai/Rent Court, and consequently, direct the Rent Court to number the MP and decide the same on merits.

Page 1 / 8



C.R.P(PD).No.692 of 2022

For Petitioner : Mr.P.B.Ramanujam

For Respondent : Mr.B.Nedunchezhiyan

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned XVI Court of Small Causes Judge, Chennai, dated 21.02.2022 made in M.P.Sr.No.49843 of 2021 in R.L.T.O.P.No.510 of 2020.

2. The revision petitioner is the land lady, who has filed the eviction proceedings against the respondent in R.L.T.O.P.No.510 of 2020 for eviction on the grounds of failure to execute the Rental agreement, default in paying rent and misuse of the premises and the same is pending. During the pendency of the proceedings, the land lady filed a petition in M.P.Sr.No.49843 of 2021 in R.L.T.O.P.No.510 of 2020, under Section 25 of the Tamil Nadu Building Regulation of Rights and Responsibilities of Landlords and Tenants Act 42 of 2017, for an order to direct the respondent/tenant to pay the arrears of rent. However, the said petition was rejected as not maintainable. Aggrieved over the said order, the land lady/petitioner has preferred this Civil Revision Petition.



C.R.P(PD).No.692 of 2022

WEB COPY

3. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent and perused the materials available on record.

4. Learned counsel for the petitioner submitted that the learned Rent Controller has misconstrued the provisions of the Section 25 of the Tamil Nadu Building Regulation of Rights and Responsibilities of Landlords and Tenants Act 42 of 2017, in which exemption was given only for clause (a) and (b) of sub-section (2) of section 21, in a way that it includes all other grounds. Since, the petitioner had filed the eviction petition by including Section 21(2)(d) along with Sections 21(2)(a) and 21(2)(b), the petition ought to have been numbered and thereafter disposed.

5. Learned counsel for the respondent submitted that the exemption given under Section 25 of the Tamil Nadu Building Regulation of Rights and Responsibilities of Landlords and Tenants Act 42 of 2017 to exclude the grounds under Sections 21(2)(a) and 21(2)(b) is with the sole object of determining the rent



and whether there is any default or not, and hence it is the right for the learned trial Judge to reject the petition.

6. Section 25 of the New Act is analogous to Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. Section 25 of the New Act reads as under:-

“ Section 25-Payment of rent during eviction proceedings:

In any proceedings for recovery of possession on any ground other than that referred to in clause (a) or Clause (b) of sub-section (2) of section 21, the tenant contests the claim for eviction, the landlord may, at any stage of proceedings, apply to the Rent Court to direct the tenant to pay to the landlord rent payable as under section 8 and the Rent Court may order the tenant to pay to the landlord rent payable as under section 8 and the Rent Court may order the tenant to make such payment as agreed regularly to the landlord by the tenth of the month and all other charges due from the tenant along with penal charges, if any, due



to delay in the same manner as provided in sub-section (1) of section 13.”

7. Apparently, Section 25 of the Tamil Nadu Building Regulation of Rights and Responsibilities of Landlords and Tenants Act 42 of 2017 exempts only Section 21(2)(a) and 21(2)(b). It does not state that even if any other grounds are added, the landlord is not entitled to file any petition under Section 25, for seeking direction from the Rent Controller for paying arrears of rent.

8. The other ground found in Section 21(2)(d) is continual misuse of the premises even after notice. The ground contemplated under Section 21(2)(a) is failure to enter into an agreement and 21(2)(b) is failure to pay the rent. Since, the petitioner has filed the eviction petition not only under Section 21(2)(a) and 21(2)(b), but also under Section 21(2)(d), the learned trial Judge need not have construed the application under Section 25 of the Act, includes Section 21(2)(d) also in its ambit. In my opinion, there is no bar to take the petition on file and later decide the same on merits.



C.R.P(PD).No.692 of 2022

WEB COPY

10. In view of the above, this Civil Revision Petition stands allowed and the impugned order of the learned XVI Court of Small Causes Judge, Chennai/Rent Court, dated 21.02.2022 made in M.P.Sr.No.49843 of 2021 in R.L.T.O.P.No.510 of 2020 is hereby set aside and consequently, the Rent Court is directed to number M.P.Sr.No.49843 of 2021 in R.L.T.O.P.No.510 of 2020 and decide the same in accordance with law. No costs.

28.06.2022

rgi

Index : Yes

Internet : Yes

Speaking Order



C.R.P(PD).No.692 of 2022

WEB COPY

1. The Judge,
XVI Court of Small Causes/Rent Court,
Chennai.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



WEB COPY



C.R.P(PD).No.692 of 2022

R.N.MANJULA, J.

rgi

C.R.P(PD).No.692 of 2022

28.06.2022