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C.R.P.No.2294 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.2294 of 2022

M/s. Yes Bank Limited
Having its registered Office at
YES Bank House
Off Western Express Highway
Santacruz East,
Mumbai - 400 055

... Petitioners

Versus

Mrs. Zareen Taj Chowdhary

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 10.03.2022 on the file of the Hon'ble Small Causes, Chennai passed in RLTOP No.531 of 2021 and direct the Hon'ble Small Causes Court, Chennai to further proceed with the case on merits based on the pleadings and documentary evidences available on record.

For Petitioner : M/s.Elizabeth Seshadri

For Respondent : M/s. N.B.N. Swamy



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ORDER

WEB COPY This Civil Revision Petition is filed challenging the docket order passed by the Rent Court dated 10.03.2022.

2. The petitioner/tenant herein filed an RLTOP No.531 of 2021 for direction to the respondent to take possession of the schedule premises subject matter of the agreement and also for refund of the security deposit to the petitioner along with 24 % interest.

3. The said Original Petition was resisted by the respondent/landlord by filing counter .

4. It appears that there is no controversy between the parties with regard to the quantum of advance amount. The controversy is with regard to the expenditure incurred by the respondent towards the payment of GST.

5. After completion of pleadings, the respondent filed a memo before the Rent Court seeking request of the Court to conduct Summary Enquiry as per the provisions of Tamil Nadu Rights and Responsibilities of Landlords and



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Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 . By the impugned order dated 10.03.2022, the learned Rent Court found that the oral evidence of both the parties by chief or cross examination is necessary and thereby adjourned the matter for oral evidence. Aggrieved by the said order, the Revision Petitioner has come out with this petition.

6. The learned counsel for the petitioner draw the attention of this Court to sub-section 2 Section 36 of TNRRRLT Act, which reads as follows:

36(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 appears to it that it is necessary in the interest of justice to call a witness for examination or cross-examination of such a witness.



7. The learned Counsel for the petitioner would submit that having regard to the controversy involved in between the parties, the examination of the witnesses before the Court is not at all necessary. She would further submit that the learned Rent Court without considering the scope of the controversies involved in the matter, mechanically passed the order.

8. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the pleadings of the parties and other relevant records.

9. In the impugned docket order, there is no indication how the rent Court found that the oral evidence of both the parties by chief and cross examination is necessary for deciding the controversy in the case. Therefore, this Court is of the view that the impugned order dated 10.03.2022 on the file of the Hon'ble Small Causes, Chennai passed in RLTOP No.531 of 2021 is set aside. Further, the learned Rent Court is directed to decide the need for oral evidence by examination/cross examination of witnesses in the light of the provisions under Sections 36 of TNRRRLT Act and also by considering the pleadings of the parties.



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WEB COPY 10. With the above observations, this Civil Revision Petition is allowed.

Further, having regard to the fact that the original petition was filed in July 2021, this Court directs the learned Rent Court to dispose the petition within a period of three months from the date of receipt of copy of this order.

20.09.2022

Index : Yes/No

Speaking Order : Yes /No

Sma

To:

XIV Small Causes Court, Chennai



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S.SOUNTHAR,J.

Sma

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