



C.R.P.No.3577 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3577 of 2022

and

C.M.P.No.18998 of 2022

Mohamed Rafi

... Petitioner

Vs.

1.V.Sridhar

2.The Ahamed International

Represented by Mr.Ahamed Arif,

Office at No.55/22,

Rajasekaran Street, Mylapore,

Chennai-600 004.

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 26.08.2022 passed in M.P.No.4 of 2021 in R.L.T.O.P.No.13 of 2020 by the Hon'ble XIII Small Causes Court at Chennai.

For Petitioner : M/s.L.Gavaskar

For Respondent : No Appearance

ORDER

This Civil Revision Petition is filed for repossession against the 2nd respondent and the petitioner in R.L.T.O.P.No.13 of 2020 on the ground of wilful default, subletting owners occupation.



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2. The petitioner herein filed a detailed counter denying the jural relationship between the petitioner and the 1st respondent in respect of the subject matter of the R.L.T.O.P.No.13 of 2020. Subsequently, the 1st respondent filed an amendment application to include prayer for eviction on the ground mentioned under Section 21(2)(a) of the Tamil Nadu Regulations of Rights and Responsibilities of Landlords and Tenants Act, 2017 (TNRRLT) Act, mainly on the ground of failure of the parties to enter into an agreement as contemplated under the act. The said application was allowed by the Court below and aggrieved by the same the petitioner is before this Court by way of revision.

3. The learned counsel for the petitioner vehemently contended, if Section 21(2) (a) of TNRRLT Act is included as a ground for eviction in a petition for repossession, the petitioner herein may not get an opportunity to lead oral evidence and therefore if the order of amendment is allowed to stand, it will not cause any prejudice to him. By virtue of the amendment, the 1st respondent wants to include one more ground of eviction, namely the failure of the parties to enter into written agreement as contemplated under the Act. The petitioner herein also filed a counter denying the jural relationship of landlord and tenant. It is open to the petitioner to



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stick on to that stand and oppose the eviction order against him in the manner known to law by following procedure contemplated under the Act. The Additional ground included by way of amendment will not cause any prejudice to the petitioner as he is entitled to file additional counter and oppose the same in the manner known to law. As far as the main ground of defence by the petitioner in a petition for repossession, that there was no jural relationship between petitioner and 1st respondent, the same cannot be considered in revision filed against allowing the amendment application and the same has to be considered by the learned Rent Controller considering the main Original Petition for final disposal.

4. Therefore, the impugned order will not cause any prejudice to the petitioner, if it is allowed to stand. Hence, this Civil Revision Petition stands dismissed. No costs.

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Index: Yes/ No

Speaking Order / Non-Speaking Order

jai

To

The XIII Small Causes Court,



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S.SOUNTHAR, J.

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