



WEB COPY



CRP Nos.3475, 3477 to 3480 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-12-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CRP Nos.3475, 3477 to 3480 of 2022

and

CMP Nos.18520, 18522, 18524 to 18526 of 2022

H.Barkha

.. Petitioner in all CRPs 3475 and 3477
of 2022

M/s.Chennai Motors,
Represented by its Proprietor
Mr.K.Haresh,
Old No.11A, New No.23,
Pycrofts Garden Road,
Chennai-600 006.

.. Petitioner in CRPs 3478, 3479 and
3480 of 2022

VS.

1.V.J.Chandira Gupta
2.V.J.Ramanujlu
3.V.J.Chinne Krishna

.. Respondents in all CRPs

1/14



CRP Nos.3475, 3477 to 3480 of 2022

WEB COPY

CRP No.3475 of 2022 is filed under Article 227 of the Constitution of India against the common fair order and decretal order dated 11.04.2022 made in MP No.4 of 2021 in MP No.2 of 2021 in RLTOP No.96 of 2020 on the file of the X Court of Small Causes, Chennai.

CRP No.3477 of 2022 is filed under Article 227 of the Constitution of India against the common fair order and decretal order dated 11.04.2022 made in MP No.3 of 2021 in MP No.2 of 2021 in RLTOP No.96 of 2020 on the file of the X Court of Small Causes, Chennai.

CRP No.3478 of 2022 is filed under Article 227 of the Constitution of India to set aside the fair order and decretal order dated 11.04.2022 made in MP No.4 of 2021 in MP No.2 of 2021 in RLTOP No.97 of 2020 on the file of the X Court of Small Causes, Chennai.

CRP No.3479 of 2022 is filed under Article 227 of the Constitution of India against the common fair order and decretal order dated 11.04.2022 made in MP No.3 of 2021 in MP No.2 of 2021 in RLTOP No.97 of 2020 on the file of the X Court of Small Causes, Chennai.



CRP Nos.3475, 3477 to 3480 of 2022

WEB COPY

CRP No.3480 of 2022 is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 13.12.2021 made in MP No.2 of 2021 in RLTOP No.97 of 2020 on the file of the X Court of Small Causes, Chennai.

For Petitioner in all CRPs : Ms.Sudarsana Sundar for
Mr.Ravi Raja Bappu

For Respondents in all CRPs : Mr.S.L.Sudarsanam

COMMON ORDER

These Civil Revision Petitions are filed against the common fair and decretal order respectively dated 11.04.2022 and 11.04.2022 passed in MP Nos.3 and 4 of 2021 in MP Nos.2 and 2 of 2021 in RLTOP No.96 of 2020 and to set aside the fair order and decretal order respectively dated 11.04.2022, 11.04.2022 and 13.12.2021 made in MP Nos.4 and 3 of 2021 in



MP Nos.2 and 2 of 2021 in RLTOP No.97 of 2020 and to set aside the fair and decretal order passed in MP No.2 of 2021 in RLTOP No.97 of 2020 on the file of the X Small Causes Court at Chennai.

2. The revision petitioners are the tenants and the respondents instituted eviction proceedings under the provisions of the New Act, i.e., Tamil Nadu Regulation and Rights and Responsibilities of Landlords and Tenants Act, 2017 (Tamil Nadu Act No.42 of 2017) [hereinafter referred to as the 'Act', in short].

3. The Rent Court adjudicated and passed an order on 21.11.2020 in two RLTOP Nos.96 and 97 of 2020 on the file of the X Small Causes Court at Chennai and directed the revision petitioners/tenants to vacate and hand over possession to the respondent-landlord, within a period of one month. Challenging the order passed by the Rent Court, the revision petitioners filed appeals in RLTA Nos.66 and 67 of 2022. The RLTAs were posted for arguments on 07.11.2022 and after hearing the arguments, the



appeals were posted for orders on 28.11.2022. At that juncture, the revision petitioners moved these civil revision petitions before this Court and filed a memo and due to the pendency of these civil revision petitions before this Court, the appeals have not been disposed of.

4. The revision petitioners filed miscellaneous petitions before the First Appellate Court to set aside the orders passed in RLTOP by the Rent Court. The said miscellaneous petitions were adjudicated and the set aside petitions were allowed on condition to pay the cost. However, the cost amount awarded by the Rent Court was not paid by the revision petitioners and consequently, the miscellaneous petitions were dismissed.

5. The revision petitioners filed the appeals before the First Appellate Court in RLTA Nos.66 and 67 of 2022. The said appeals were progressed and during the final stage of the appeal proceedings, the present Civil Revision Petitions are filed before this Court on 17.10.2022.



WEB COPY

6. The learned counsel appearing on behalf of the revision petitioner mainly contended that the Trial Court failed to take note of the order passed by the Hon'ble Supreme Court of India dispensing with the period of limitation during the Covid 19 pandemic period and therefore, the Trial Court ought not to have dismissed the miscellaneous petitions merely on the ground that the revision petitioners had not paid the cost. It is further contended that the appeals were filed and the order being grossly in violation of the principles of natural justice and the revision petitioners denied reasonable opportunity to defend their case before the Trial Court. These civil revision petitions are filed for the purpose of defending the case before the Trial Court. Thus the revision petitions now filed under Article 227 of the Constitution of India are to be considered.

7. The learned counsel for the respondents objected the contentions raised on behalf of the revision petitioners by stating that once the appeal is preferred against the orders passed by the Rent Court, the civil revision petitions now filed are to prolong and protract the appeal



proceedings and therefore, the civil revision petitions are to be rejected.

WEB COPY

8. The learned counsel for the petitioners reiterated that the respondents have deprived of their monthly rent from June 2022 onwards and the arrears of rent is yet to be settled by the revision petitioners. That apart, the learned counsel for the respondent furnished the copy of the E-Court proceedings to establish that the RLTA proceedings are posted for arguments on 26.09.2022 and on 07.11.2022 and thereafter, it is listed for passing orders on 28.11.2022 and these civil revision petitions are filed before this Court on 17.10.2022, one month prior to the listing of the case by the First Appellate Court for passing orders. Thus the idea of the revision petitioners is to increase the longevity of the litigation for unjust gains and therefore, all these civil revision petitions are to be rejected.

9. The procedures to be followed by the Rent Court and the Rent Tribunal are enumerated under Section 36 of the New Act. Sub Section (1) contemplates that subject to any rules that may be made under this Act, the



Rent Court and the Rent Tribunal shall not be bound by the procedures laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and shall have power to regulate their own procedure and the Rent Court shall follow the other procedures contemplated under Section 36 of the New Act.

10. That apart, the purpose and object of Tamil Nadu Act No.42 of 2017 is to redress the grievance of the tenants and landlords at the earliest possible time and by avoiding unnecessary lengthy procedures, which all are contemplated under the Code of Civil Procedure. The Rent Courts shall be guided by the principles of natural justice and shall have power to regulate their own procedures. The Rules of Natural Justice are to be complied with. However, the Courts must ensure that under the guise of rules of natural justice, no party is allowed to prolong and protract the issues. Reasonable opportunity is to be afforded to establish and to defend their case.



11. In all these civil revision petitions, opportunities were provided to the revision petitioners by the Rent Court. It is not the case as if no opportunity was provided to the revision petitioners. Notices were served to them and they entered appearance. However, the revision petitioners have not filed their the counter-affidavit before the Rent Court.

12. Under Section 36(6)(a) of the New Act, applications are to be decided within 90 days of filing the applications to the Rent Court. Thus the Rent Courts/Rent Tribunals are expected to be vigilant in disposing of the applications by adopting summary procedures as contemplated under the provisions of the New Act. Any party to the litigation attempting to prolong and protract the matters, at no circumstances, be aided by the Rent Courts. The opportunity to be provided to the parties need not be lengthened unnecessarily, which would frustrate the proceedings. The Rent Court, at all circumstances, is expected to dispose of the applications as quick as possible and within the period of limitation contemplated under the New Act. The limitation is prescribed in the context that the Rent Court is



empowered to regulate its own procedures in the matter of compliance of the rules of natural justice. Thus long adjournments are to be avoided.

Speedy disposal, being the object of the New Act, in order to avoid agony to the landlords and tenants, the Courts are expected to be vigilant in dealing with the applications under the New Act. If at all the procedures are again lengthened, akin to that of the civil suits, the very purpose and the object of the New Act will be defeated.

13. In all these civil revision petitions, despite the opportunity, the revision petitioners have not vigilantly availed the same and allowed the Rent Court to pass final orders on merits. Thereafter, they filed miscellaneous petitions to set aside the exparte order by condoning the delay. Thus there was a delay in filing the setting aside ex parte petitions. The Trial Court taking note of the judgment and the Apex Court and considering the Covid 19 pandemic period, condoned the delay and allowed the petition to set aside the exparte and accordingly, the ex parte order was set aside on condition to pay the cost. At least and at that juncture, the



litigant is expected to be vigilant in paying the cost as per the orders of this Court. Unfortunately, the revision petitioners failed to comply with the condition and consequently, the miscellaneous petitions were dismissed.

14. The revision petitioners herein not only committed an act of lapse by not participating in the original proceedings. But even after condoning the delay and setting aside the ex parte order, failed to pay the cost awarded by the Court and thereafter slept over the matter. The Trial Court rightly considered the judgment of the Supreme Court of India considering the Covid 19 pandemic period and allowed the interlocutory applications, condoned the delay and set aside the ex parte order. However, the revision petitioners had not utilised the opportunity and further committed the lapse by not paying the cost as awarded by the Rent Court and consequently the miscellaneous petitions were dismissed.

15. The learned counsel for the respondent submit the copy of the common compilation of material papers submitted by the appellant in the



RLTA No.66 of 2022, wherein he has stated that the appellants have already filed their written arguments in the appeal. All the grounds raised in the written arguments or otherwise are to be considered by the First Appellate Court.

16. Admittedly, the First Appellate Court has posted the appeals for disposal. The revision petitioners stated that the miscellaneous petitions are posted for disposal. However, the First Appellate Court has to dispose of the miscellaneous petitions as well as the main appeals as expeditiously as possible. Thus the parties are at liberty to pursue the appeals pending before the First Appellate Court.

17. The revision petitioners, admittedly, filed the appeals in RLTA Nos.66 and 67 of 2022. The said appeals were progressed and in final stage. Therefore, the First Appellate Court is expected to dispose of the appeals without any further loss of time. The Civil Revision Petitions were filed at that stage and thus require no further consideration. Since the First



CRP Nos.3475, 3477 to 3480 of 2022

Appellate Court listed the matters for passing orders whether in the miscellaneous application or in the main appeal, the appeals are to be disposed of at the outset as expeditiously as possible.

18. Accordingly, this Court do not find any reason to consider the Civil Revision Petitions and consequently, all the civil revision petitions are dismissed. However, there shall be no order as to costs. The connected miscellaneous petitions are also dismissed.

09-12-2022

Speaking Order/Non-Speaking Order.
Internet : Yes/No.
Index: Yes/No.
Svn



WEB COPY



CRP Nos.3475, 3477 to 3480 of 2022

S.M.SUBRAMANIAM, J.

Svn

To

The X Judge,
X Small Causes Court,
Chennai.

CRPs 3475, 3477 to 3480 of 2022

09-12-2022

14/14