



WEB COPY



CRP.No.3524 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3524 of 2022

and

CMP.No.18741 of 2022

Prakash Gold Palace P.Ltd.
New No.364, Old Nos.334 and 335
Mint Street
Chennai 600 079.

... Petitioner

Vs.

1.P.P.Jai Ganesh
2.P.S.Saravanan
3.P.S.Panchacharam
4.P.Usha Ravi
5.Nageema Jewellers
New No.364, Old Nos.334 & 335
Mint Street, Chennai 600 079.

6.M/s.L.S.Jewels
At New No.364
Old Nos.334, 335, Mint Street
Chennai 600 079.

... Respondents



CRP.No.3524 of 2022

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the above Civil Revision Petition and set aside the fair and decreetal order dated 21.07.2022 made in M.P.No.3 of 2022 in RLTOP.No.265 of 2020 on the file of the learned XV Judge (Full Additional Charge) of XII Judge, Court of Small Causes Court, Chennai with costs.

For Petitioner : Mr.Jeremiah Gregory John

ORDER

This Civil Revision Petition is filed, challenging the order passed by the Court below allowing the amendment application.

2. The respondents/landlords herein filed an eviction petition against the petitioner on the grounds of owner's occupation and subletting in RLTOP.No.265 of 2020. Subsequent to filing of the eviction petition, the respondents have come up by way of the present petition to amend the original petition to include a new ground for eviction namely failure of the parties to enter into the agreement under the TNRRRLT Act. The said application was opposed by the revision petitioner and notwithstanding the



CRP.No.3524 of 2022

same it was allowed by the Court below. Aggrieved by the said order, the petitioner is before this Court.

3. The learned counsel for the petitioner assailed the impugned order on two grounds; firstly, the learned counsel for the petitioner submitted that, in the absence of any written agreement under TNRRRLT Act, the Rent Court has no jurisdiction to entertain the OP. Secondly, he submitted that under Section 37 of the Tamil Nadu Regulation of Rights and Responsibility of Landlords and Tenants Act, 2017, the Rent Court has not been conferred with the power to amend the pleadings and therefore, the amendment application ought not to have been entertained by the Court below.

4. As far as the first contention is concerned, as per the amended provisions of the Tamil Nadu Regulation of Rights and Responsibility of Landlords and Tenants Act, failure to enter into an agreement itself is a ground for eviction under Section 4(2) r/w 21(2) (a) of the said Act. Therefore, it is not open to the revision petitioner to say that, in the absence of any written agreement between the landlords and the tenants, the landlords



are not entitled to invoke the provisions of the Act. As far as the second contention of the learned counsel for the petitioner is concerned, Section 36 of TNRRRLT Act, only declares that the Rent Court shall not be bound by the procedure laid down by under the Code of Civil Procedure. Merely because, it is stated that the Rent Court is not bound by the procedure mentioned in the Code of Civil Procedure, it does not mean that the Rent Court or the Tribunal are not entitled to adopt the procedure contemplated under the Code of Civil Procedure. By pointing out to Section 37 of TNRRRLT Act, the learned counsel for the petitioner submitted that the power to amend the pleadings is not specifically conferred on the Rent Court, therefore, the respondents are not entitled to seek for amendment.

5. It is not in dispute, it is always open to the respondents/landlords to file main OP on the ground mentioned under Section 21(2) (a) of TNRRRLT Act. When separate application is maintainable, there is nothing wrong in amending the eviction petition, by including the said ground also in the very same petition, in order to prevent multiplicity of proceedings.



CRP.No.3524 of 2022

WEB COPY

6. Even though the Rent Court and the Rent Tribunal are not bound to follow the procedure laid down under the Code of Civil Procedure , it does not mean that the Rent Court and the Rent Tribunal should not adopt the procedure laid down under the Code of Civil Procedure. If there is a specific procedure under the enactment, the Rent Court is bound to follow the same. In the absence of any specific procedure with regard to any particular procedure, the Rent Court can always adopt the procedure under the Code of Civil Procedure. Hence, when there is no specific provision in the TNRRRLT Act, to amend the pleadings of the parties, it is open to the Rent Court to adopt the procedure contemplated in the Code of Civil Procedure and permit parties to amend pleadings in order to prevent multiplicity of proceedings or any other just cause. Therefore, I hold that the Rent Court can entertain a petition filed for amendment of pleadings and consequently, second contention raised by the learned counsel for the petitioner is rejected. I do not find any error in the order passed by the Court below.



WEB COPY



CRP.No.3524 of 2022

S.SOUNTHAR, J.
dna

7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

07.11.2022

Index : Yes
Internet : Yes
dna

To

The XV Judge (Full Additional Charge) of XII Judge,
Court of Small Causes Court, Chennai.

CRP.No.3524 of 2022
and
CMP.No.18741 of 2022



WEB COPY



CRP.No.3524 of 2022