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C.R.P.(P.D).No.4074 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

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THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P.(P.D) No. 4074 of 2022

S.Mallika

...Petitioner

Vs.

M/s.Natural Life Science,
Rep.by its Partner Sreenath Nair,
S/o.Sri P.P.Nair,
Residing at
No.A-14, Lilly Block,
Ben Foundations, Reddipalayam Road,
Mugappair, Chennai-600 037.

...Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to order for early disposal of R.L.T.O.P.No.11 of 2022 on the file of the District Munsif Court at Sriperumbudur.

For Petitioner : Mr.Ralph V.Manohar



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ORDER

The grievance of the revision petitioner is that the R.L.T.O.P.No.11 of 2022, filed by him to evict the respondent tenant, is kept pending for about 11 months, which caused prejudice to his interest.

2. The learned counsel for the petitioner relied on Section 36(6) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, and contended that the Trial Court ought to have disposed of the petition without causing any undue delay.

3. The learned counsel for the petitioner mainly contended that on the expiry of 10 months period, the respondent tenant appeared before the Court and made a request to grant an adjournment and the Court adjourned the matter for 3 months and thus, the petitioner is constrained to move the present Revision Petition.



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4. The Trial Courts are expected to follow the procedure as contemplated under Section 36 of the Act scrupulously. No doubt, certain time limits stipulated under the statutes are directory in nature, however, the Courts must make an endeavour to ensure that the applications are disposed of within a reasonable period of time. When Section 36 Sub Section 1 contemplates that the Rent Court and Rent Tribunal shall not be bound by the procedures laid down by the Civil Procedure Code, 1908, but shall be aided by the Principles of Natural Justice and shall have the power to regulate their own procedures, the Rent Court has to follow the procedures contemplated under Section 36 of the Act. Thus, the Rent Courts and the Rent Tribunals, need not follow the procedures contemplated under the Civil Procedure Code, which is lengthy and complex in nature.

5. The attempts of the parties to prolong and protract the disposal of the case, at no circumstances be encouraged by the Rent Courts or Rent Tribunals. The rules of the Principles of Natural Justice are to be followed for the purpose of affording opportunities to the parties. Under the guise of the rules of the Principles of Natural Justice, no party must be allowed to frustrate the procedures. The rules of Principles of Natural Justice have no definite



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procedure or meaning, but it is to be ensured that fair procedure is adopted by the Courts, so as to ensure that the parties get opportunities to establish or to defend their case. Thus, the Act contemplates and confers power to the Rent Court to regulate their own procedures. While regulating the procedures, the Rent Court should ensure that the parties get a fair opportunity. However, if any of the party makes an attempt or intend to prolong and protract the issue, then such ideas cannot be tolerated by the Courts and such attempts ought to be thwarted without aiding the same. Thus, the Courts must ensure that the time limits prescribed under the statutes are complied with, and the litigants get speedy disposal, which is the prime object of the Act. Again if the petitions are kept pending for long years, then the very purpose and object of the Act would be defeated and thus, at all circumstances, the Court must ensure that unnecessary adjournments are not granted and the parties are dealt with accordingly and the matters are disposed of as expeditiously as possible.

6. Adjournments cannot be granted in a routine manner. Rule is to conduct the case and the adjournment is an exception. Adjournments cannot be granted on flimsy grounds. Routine adjournments are to be avoided. Whenever a request is made for adjournment, the genuineness of the reason is to be



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considered by the Court and is to be recorded. Adjournments are to be granted for a short period. Adjourning the Rent Control Petition for 3 months is unacceptable since the period of its disposal contemplated under the Act is 90 days. Thus, the petitioners, after serving notice, are to be heard on day to day basis and the case is to be disposed of within a period of limitation as contemplated. If at all any unavoidable circumstance arises, then the petitions are to be disposed of within a reasonable period of time and it cannot be kept pending for an indefinite period, unlike the other suits filed under the Code of Civil Procedures, since the provisions of the Code of Civil Procedure has already been dispensed with under Special Act enabling the Court to dispose of the case as expeditiously as possible.

7. Thus, the Rent Courts and Tribunals are expected to borne in mind that the procedures as contemplated under the Civil Procedure Code need not be followed and they are expected to set their own procedures for compliance of the Rules of Natural Justice and ensure that the parties get opportunities to establish and defend their case and accordingly dispose of the petition in a speedy manner.



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8. In the present case, the petition is pending for about 11 months and therefore, the District Munsif Court at Sriperumbudur, is directed to dispose of the R.L.T.O.P.No.11 of 2022, within a period of 3 months from the date of receipt of a copy of this order by advancing the hearing date.

9. It is needless to state that the said Court is expected to expedite all such similar cases, which all are pending for more than 10 months.

10. With the above directions, the Civil Revision Petition stands allowed. No costs.

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07.12.2022

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No



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WEB COPY To

1. District Munsif Court,
Sriperumbudur.
2. The Section Officer,
VR Section,
High Court of Madras.



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S.M.SUBRAMANIAM.J.,

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