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CRP.No.3871 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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P.Saradha

... Petitioner

Vs.

1.K.Maheswari

2.K.Saravanan

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Principal District Munsif Court, Coimbatore to dispose the petition in RLTOP.No.95 of 2022 filed for eviction under Section 21 (2) (a), 21 (2) (b) of the Tamil Nadu Regulation of Right and Responsibilities of Landlord Act, 2017 within a short period .

For Petitioner : Mr.S.Venkatesh



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ORDER

This Civil Revision Petition is filed, seeking a direction to the learned Principal District Munsif Court, Coimbatore, to dispose of the eviction petition filed by the petitioner in RLTOP.No.95 of 2022 seeking re-possession.

2. Having regard to the limited prayer made in this revision, this Court is inclined to dispose of the revision, even without notice to the respondents.

3. The petitioner/landlord filed a petition seeking re-possession of the demised premises under Section 21 (2) (a) and Section 21 (2) (b) of the Tamil Nadu Regulation of Right and Responsibilities of Landlord Act.



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4. The perusal of the E-Court entry filed by the types set of papers would suggest, that on 30.09.2022 after issuing notice to the respondents the matter has been adjourned to 01.12.2022 for filing counter.

5. The learned counsel for the petitioner taking this Court to Section 36 (6) (a) of TNRRRLT Act and submitted that every application filed by the landlord seeking re-possession under Section 21 (2) (a) and 21 (2) (b) shall be decided within 90 days of filing of the application. Therefore, he requested that the Rent Controller may be directed to dispose of the OP within a time limit as prescribed by the Act.

6. The petition for re-possession appeared to have been filed by the revision petitioner on 20.03.2022 and when it came up for next hearing on 30.09.2022, notice was ordered to the respondent returnable



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by 27.10.2022. According to the learned counsel for the petitioner, the respondents had entered appearance and sought time for filing counter and consequently, the matter has been adjourned to 01.10.2022 for filing counter.

7. Section 36 (6) (a) of TNRRRLT Act, is a procedural law and the time limit prescribed, is only directory and not mandatory. However, taking into consideration the legislative intent, this Court is inclined to issue a direction to the Court below to dispose of the main OP for re-possession as expeditiously as possible taking into account the time limit prescribed by the Act in mind.

8. With the above direction, this Civil Revision Petition is disposed of. No costs.

25.11.2022

Index : Yes / No

Internet : Yes / No



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To

The Principal District Munsif Court, Coimbatore.



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S.SOUNTCHAR, J.

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