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C.R.P.No.4151 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4151 of 2022
and
C.M.P.No.21677 of 2022

A.Gandhi

... Petitioner

Vs.

Sri Balaji Traders (Akshaya Super Market)
Represented by its proprietor B.Prakash
1/1150 Erayur Village,
Perambalur.

... Respondent

Prayer:Civil Revision Petition filed under article 227 of the Constitution of India to direct the learned Principal District Munsif, Perambalur, to dispose the RLTOP No.3 of 2021.

For Petitioner

: Mr.S.Rubanprabu

ORDER

The Civil Revision Petition has been instituted to dispose the RLTOP No.3 of 2021 within a time frame fixed by the Court.



2. The revision petitioner is the landlord, who instituted proceedings to evict the respondent, who is a tenant. The grievance of the revision petitioner is that he is aged about 73 years and the respondent is attempting to prolong and protract the litigation for unjust gains and therefore, the petitioner is constrained to move the present revision petition.

3. The learned counsel for the petitioner contended that the respondent is filing Interlocutory Application, which all are not maintainable under the provisions of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. Such applications are filed, and entertained by the trial Court, causing prolongation of the litigation and therefore, direction is to be issued for speedy disposal of the RLTOP No.3 of 2021 filed by the revision petitioner.

4. Section 36 of the Tamil Nadu Act 42 of 2017 stipulates procedures to be followed by the Rent Court and Rent Tribunal. Sub Section (1) to 36 enumerates that "Subject to any rules that may be made under this Court, the Rent Court shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (Central Act, 1908 but shall be guided principles of natural justice and shall have power to regulate their own procedure and



Rent Court shall follow the procedures further contemplated under Section 36 of the Act)". Thus, the Rent Courts and the Rent Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure.

5. In the present case, the petitioner states that the Interlocutory Application under Order 7 Rule 11 was filed, which was entertained by the Rent Court, in violation of Section 36(1) of the Tamil Nadu Act 42 of 2017.

6. This Court has considered the very same issue regarding the application of the Code of Civil Procedure in respect of the applications filed under Tamil Nadu Act, 42 of 2017 in CRP.PD.No.2408 of 2022 dated 12.12.2022.

7. The compliance of the rules of natural justice are to be regulated by the Rent Court and the Tribunals. The procedure for providing opportunity to the parties need not be lengthened unnecessarily, so as to dilute the purpose and object of Tamil Nadu Act, 42 of 2017. Under the guise of the principles of natural justice, no party should be allowed to prolong and protract the issues under Section 36 (1) of the Act. The Code of Civil Procedure is inapplicable to the proceedings under the New Act and



therefore, an application under Order 7 Rule 11 is not entertainable. When the Code of Civil Procedure itself is not applicable, the Interlocutory Applications, if any, filed under the Code of Civil Procedure cannot be entertained and the Rent Court and Rent Tribunal are to regulate the proceedings in such a manner, so as to ensure that the cases are disposed of within the time limit contemplated under the Act itself. The filing of frivolous and unnecessary Interlocutory Applications repeatedly with a motive to drag the proceedings, at no circumstances, be encouraged by the Courts. If the Rent Court formed an opinion that such applications are frivolous in nature and filed to drag on the proceedings, then exemplary or maximum costs is to be imposed on such applications. Developing a practice of filing frivolous and unnecessary applications in order to increase the longevity of the litigation is to be looked into by the Courts concerned and all appropriate actions are to be initiated to dispose of such applications without causing undue delay. The Rent Courts and Tribunals are expected to be vigilant and conscious about the purpose and object of Tamil Nadu Act, 42 of 2017, while dealing with the tenant-landlord issues.



8. In the event of prolongation, the purpose and object of the act would be defeated and again the age old procedure of prolongation will continue and such circumstances would result in losing of faith on the judicial system. Thus, the Rent Court, at no circumstances, entertain such applications, which are all non-maintainable or frivolous in nature or otherwise.

9. In the present case, the respondent filed an Interlocutory Application under Order 7 Rule 11 of C.P.C, which is not entertainable under Section 36 (1) of the Tamil Nadu Act 42 of 2017 and therefore, the Rent Court has to proceed with the main case by affording an opportunity to the parties to the litigation in compliance with the rules of the natural justice and accordingly, dispose of the RLTOP No.3 of 2021 within a period of 90 days from the date of receipt of copy of this order. However, taking note of the fact that the present RLTOP No.3 of 2021, pending for the past about one year, the trial Court is directed to dispose of the same within a period of 90 days from the date of receipt of copy of this Order.



10. With these directions, the Civil Revision Petition stands allowed.

No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes

Speaking order

To

The Principal District Munsif,
Perambalur.



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S.M.SUBRAMANIAM, J.

skr

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