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C.R.P.No.190 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.190 of 2023

Mr.Chirstadoss Prabhakar

... Petitioner

Vs.

Mrs.Kalaichelvi

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to expeditious disposal in R.L.T.O.P.No.27 of 2022 on the file of the Rent Court at Ambattur and direct the matter to be heard and disposed off expeditiously in accordance with law.

For Petitioner

: Mr.Perumbulavil Radha Krishnan
and Mr.G.Karthikeyan

ORDER

The Civil Revision Petition is filed under Article 227 of the Constitution of India for expeditious disposal of the case instituted in R.L.T.O.P.No.27 of 2022, which is pending on the file of the District Munsif Court / Rent Court at Ambattur.



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2. The revision petitioner is the landlord filed R.L.T.O.P.No.27 of 2022 for eviction of the respondent / tenant on the ground of default in payment of rent. The grievances of the revision petitioner is that the Rent Court is granting adjournments frequently and even for filing counter, the case was adjourned for a long time.

3. It is contended that the revision petitioner is an aged person and long pendency would cause prejudice to his interest. That apart, the respondent / tenant is committing several irregularities by occupying the rented premises and thus, there is urgency for the early disposal of the case.

4. The Tamil Nadu Act 42 of 2017 under Section 36 contemplates procedure of Rent Court and Rent Tribunal. Sub-Section 1 stipulates 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 procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice.* ”



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5. Therefore, the Rent Court shall not entertain any application, if filed under the Code of Civil Procedure and the petition for eviction is to be decided as per the time limit prescribed under Section 36(6) of the Act.

6. No doubt, on some occasions, the Rent Court may not be in a position to strictly adhere to the time limit contemplated under the Act. However, the Courts are expected to ensure that the Rent Control Proceedings under the new Act are disposed of within a reasonable period of time and certainly not causing any undue delay.

7. The very purpose and object of the provision shall not allowed to be defeated and therefore, the Rent Court and the Rent Tribunal shall not grant unnecessary adjournments at the instance of the parties.

8. Rule is to conduct the case on the date of hearing. Adjournment is always an exception. Adjournments are to be granted only on certain exceptional circumstances and on genuine reasons, which must be recorded in



the proceedings itself. Adjournments on flimsy grounds are to be rejected and any party attempting to drag on the proceedings must be thwarted by the Rent Court and the Rent Tribunal.

9. Summary proceedings are contemplated under the new Act and therefore, long adjournments are to be avoided and the parties are expected to co-operate for early disposal of the cases.

10. In the present case, the revision petitioner is a senior citizen and the learned counsel for the revision petitioner states that the subject premises is being abused by the respondent / tenant by committing several irregularities and therefore an urgent disposal is required.

10. Considering the facts and circumstances, the District Munsif Court / Rent Court, Ambattur, Thiruvallur District is directed to dispose of the R.L.T.O.P.No.27 of 2022 within a period of two months from the date of receipt of copy of this order.



11. With these directions, the Civil Revision Petition in C.R.P.No.190 of 2023 stands allowed. No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes

To

The Judge,
District Munsif Court / Rent Court,
Ambattur,
Thiruvallur District.



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S.M.SUBRAMANIAM, J.

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