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C.R.P.No.264 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.264 of 2023

G.Kalaiselvi, rep.by Power Agent
S.Govindaraj
No.2/83, Mullah Sahib Street,
Sowcarpet, Chennai – 600 001.

... Petitioner

Vs.

Sujaram

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order and decretal order made in I.A.No.3 of 2022 in RLTA No.35 of 2022 on the file of the 19th Additional City Civil Judge, Chennai dated 01.12.2022 and allow the above Civil Revision Petition.

For Petitioner

: Mr.V.Chanakya



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ORDER

The Civil Revision Petition has been filed against the order and decretal order dated 01.12.2022 made in I.A.No.3 of 2022 in RLTA No.35 of 2022 pending on the file of the XIX Additional City Civil Court, Chennai.

2. The revision petitioner is the landlord, instituted proceedings for eviction against the respondent/tenant in RLTOP.No.286 of 2021. Eviction was ordered against the respondent by the Rent Court under Section 21 (2) (a) and 23 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 [TN Act, 42 of 2017]. Challenging the said order of eviction, the respondent/tenant filed an appeal in RLTA.No.35 of 2022. Pursuant to the order of the Rent Tribunal in appeal, the respondent/tenant deposited a sum of Rs.5,00,000/- (Rupees Five Lakhs only) and the revision petitioner/landlord filed an Interlocutory Application for withdrawal of the said amount on the ground that it is arrears of rent.

3. The Rent Tribunal dismissed the petition mainly on the ground that



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the respondent/tenant has stated that the revision petitioner/landlord was not in the habit of issuing rent receipt for the rent received by him. He claims that there is no arrears of rent and till date, he is paying the rent regularly. The landlord has not taken any steps as per Section 13 of the TN Act 42 of 2017 and the respondent/tenant also has not taken any steps as per Section 14 of the above said Act.

4. In view of the fact that the revision petitioner/landlord is not having the habit of issuing rental receipt to the respondent/tenant, petition filed for withdrawal was not considered and accordingly, dismissed.

5. The Court directed the respondent/tenant to deposit the amount and the entitlement and the rights of the parties are to be determined in the appeal, which is pending before the Rent Tribunal. Thus, the Rent Tribunal is right in dismissing the petition and the issues raised between the parties are to be decided on merits and thereafter, the Rent Tribunal is empowered to pass appropriate orders.



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6. The learned counsel for the revision petitioner/landlord brought to the notice of this Court that the appeal is pending for about more than six (6) months. Taking note of the fact that the appeal is pending for the past about six months, the Rent Tribunal shall dispose of the appeal by taking into consideration the time limit prescribed under Section 36 of the TN Act 42 of 2017.

7. With these observations, the Civil Revision Petition in C.R.P.No.264 of 2023 stands dismissed. No costs.

07.02.2023

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Index : Yes
Speaking order
Neutral Citation : Yes

To

The Judge,
XIX Additional City Civil Court,
Chennai.



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S.M.SUBRAMANIAM, J.

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