



C.R.P.No.228 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.228 of 2023

and

C.M.P.No.1884 of 2023

S.Selvakumar

... Petitioner

Vs

Valar Selvi

... Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Fair and Decretal Order dated 08.12.2022 passed in I.A.No.5 of 2022 in RLTOP No.1 of 2022 on the file of the District Munsif Court, Rasipuram and allow the Revision Petition.

For Petitioner : Mr.S.Senthil Kumar

ORDER

The Civil Revision Petition is filed to set aside the Fair and Decretal Order dated 08.12.2022, passed in I.A.No.5 of 2022, in RLTOP No.1 of



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2022. The revision petitioner is the tenant and the respondent/landlord instituted RLTOP No.1 of 2022 for eviction on the ground of owner's occupation.

2. During the pendency of the RLTOP, the revision petitioner/tenant filed an Interlocutory Application under Order VIII Rule 3 of CPC seeking permission to file additional documents. The said Interlocutory Application was adjudicated by the Rent Court and the petition was dismissed on the ground that the trial was commenced and the petitioner side witnesses were examined and closed.

3. When the petition was posted for the examination of witnesses of the side of the respondent, the Interlocutory Application was filed under Order VIII Rule 3. On the said ground, the petition was dismissed. Thus, the petitioner has chosen to file the present Civil Revision Petition.

4. The question arises, whether the Interlocutory Application under Order VIII Rule 3 is maintainable in RLTOP proceedings, which is



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instituted under the provisions of the Tamil Nadu Regulation of Rights and

Responsibilities of Landlord and Tenants Act, 2017. **Section 36 (1)** of the

Tamil Nadu Act 42 of 2017 enumerates 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 and shall have power to regulate their own procedure and the Rent Court shall follow the procedures as contemplated under the Sub-sections 1 to 6 to Section 36.*”

Thus, no Interlocutory Application filed under the Code of Civil Procedure is entertainable in RLTOP proceedings initiated under Tamil Nadu Act 42 of 2017. It is a summery proceedings and the Rent Court and the Rent Tribunal are empowered to regulate its own procedures in compliance with the rules of Natural Justice. Thus, the parties cannot make an attempt to prolong and protract the proceedings by filing Interlocutory Applications under the Code of Civil Procedures.

5. **Section 36(2)** stipulates that “*In every case, before the Rent Court and the Rent Tribunal, the evidence of a witness shall be given by*



affidavit. However, the Rent Court and the Rent Tribunal, where it appears

to it that it is necessary in the interest of justice to call a witness for examination or cross-examination, such witness can be produced and may order attendance for examination or cross examination of such a witness.”

Therefore, the examination of witnesses if necessary can be done and it is not mandatory. The proceedings contemplated being summary in nature, the Rent Court and the Rent Tribunals are expected to dispose of the cases within the time limit prescribed under Section 36(6) of the Act. No party shall be allowed to drag on the proceedings by filing unnecessary Interlocutory Applications under the CPC or even under the Act. Such Interlocutory Applications, if filed, cannot be entertained and the Rent Court is expected to proceed with the case only in compliance with the rules of Natural Justice.

6. Any attempt by any party to the litigation to prolong and protract the litigation are to be thwarted by the Rent Courts and Rent Tribunals, since the procedures under the Code of Civil Procedure are dispensed with under Section 36 of the Act. The rules of natural justice is to be adopted for



the purpose of providing opportunity to all the parties to establish and defend their respective cases. Under the guise of the principles of natural justice, no one be allowed to frustrate the proceedings or to increase the longevity. Time limit for disposal has been contemplated under the provisions of the Act. Courts are expected to be conscious about the limitation prescribed under the Act. Prolonging the litigation for long years is impermissible. If it is allowed, the purpose and object of the Act would be defeated.

7. Conducting the case on the date of hearing is the rule. Adjournment is an exception. No adjournment is to be granted on flimsy grounds. Genuine reasons for adjournment may be considered, but by recording the reasons. Adjournments are to be avoided for long duration. Adjourning the Rent Control Petition for three months is unacceptable, since the period of its disposal contemplated under the Act itself is 90 days. After service of summons or notice, the case is to be heard as expeditiously as possible and on day-to-day basis. On account of unavoidable circumstances, if the litigations are prolonged beyond the time limit prescribed under the Act, any further longevity of such litigations are to be



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avoided by the Courts. The summary procedures contemplated under the Act must be meaningfully exercised for the benefit of the litigants.

8. Principles of natural justice are the means to achieve the ends of justice. They cannot be perverted to achieve the very opposite end. That would be a counter productive exercise. There is no rigid formula for the compliance of the rules of natural justice.

9. Equally, the Courts would not permit the litigants to prolong and protract the matter. Some parties may be tempted to prolong the matter with a motive to increase longevity of the litigation or to frustrate the litigation for unjust gains. Courts cannot aid such litigants and let them succeed. Soon after the ground on which miscellaneous petitions are filed and if the Court formed an opinion that such applications are filed to increase the longevity of the litigation or to frustrate the litigation, then the said petitions are to be dealt with as expeditiously as possible. Court cannot further prolong such issues, which would indirectly assist either of the parties to achieve their ill motives.



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10. In the present case, the Rent Court has given an opportunity to examine the witnesses and the petitioner side witnesses were already examined and the petition is posted for the examination of respondent side witnesses. This being the factum, the Interlocutory Application filed by the revision petitioner seeking permission to file additional document has rightly been rejected by the Rent Court which is in consonance with the provisions of the Act and there is no Infirmity as such.

11. Accordingly, the Fair and Decretal Order dated 08.12.2022, passed in I.A.No.5 of 2022, in RLTOP No.1 of 2022 is confirmed. Accordingly, the Civil Revision Petition in CRP No.228 of 2023 stands **dismissed**. However, there shall be no order as to costs. Consequently, the miscellaneous petition is closed.

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Speaking Order
Internet : Yes
Index: Yes



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S.M.SUBRAMANIAM, J.

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