



C.R.P.(PD) No.867 of 2023

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated : 26/4/2023

C O R A M

The Hon'ble Dr.JUSTICE D.NAGARJUN

Civil Revision Petition (PD) No.867 of 2023

A.Jamal Mohamed ... Petitioner

Vs

1. K.A.Krishnan
2. K. Chandrasekhar
3. K. Srinivasan
4. Santha
5. C. Geetha
6. Davarram
7. D. Pushpa
8. M/s.National Book House
Proprietor Mr.L.Mohideen
Old No.14 New No.29 Pycrofts Road
(Bharathi Salai)
Chennai 5.

9. L. Mohideen ... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the order dated 9/2/2023 passed in Tr.O.P.No.129 of 2021 on the file of the Principal Judge, City Civil Court, Chennai.



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For Petitioner ... Mr.Om Sairam

For respondents ... Mr.K.P.Ashok

ORDER

This Civil Revision Petition is directed aggrieved by the order dated 9/2/2023 made in Tr.O.P.No.129 of 2021 by the learned Principal Judge, City Civil Court, Chennai.

2. The facts in brief as can be gathered from the records are that the revision petitioner has filed a suit in O.S.No.4865 of 2020 against the first respondent for specific performance of agreement of sale dated 29/12/2017 and for declaration and cancellation of certain documents, on the file of VI Additional City Civil Court, Chennai. Respondent Nos.6 and 7 have filed a petition, seeking eviction of the tenants before XIV Rent Court, Chennai, in R.L.T.O.P.No.456 of 2020 on the grounds of sub-letting the premises, not entering rental agreement and also on the ground of personal occupation. The petitioner has filed Tr.O.P.No.129 of 2021 seeking transfer of Rent Control Case in R.L.T.O.P.No.456 of 2020 from the file of XIV Rent Controller, Chennai to that of VI Additional City Civil Court, Chennai for a joint trial along with O.S.No.4865 of 2020. Learned Principal Judge, City Civil Court,



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Chennai, on hearing both sides, passed the orders, dated 9/2/2023, dismissing Transfer Original Petition No.129 of 2021 filed by the petitioner, under Section 24 of the Code of Civil Procedure. Aggrieved by the same, present revision is filed.

3. It is submitted by the learned counsel for the petitioner that he has filed a suit for specific performance of agreement of sale in O.S.No.4865 of 2020 on the file of the learned VI Additional City Civil Court, Chennai, seeking for enforcement of agreement of sale, dated 28th December 2017, declaration that Settlement Deed, dated 18/4/2018, is null and void, declared sale deed, dated 28/11/2019, in favour of respondent Nos.6 and 7 as null and void. The respondent Nos.6 and 7 being the landlords have filed a petition seeking eviction of tenants from the same property covered under O.S.No.4865/2020 before the XIV Rent Controller, Chennai in R.L.T.O.P.No.456 of 2020 on the ground of not entering into the lease agreement, sub-letting and occupation.

4. It is further submitted that in both the proceedings, subject matter of the property is the same, some of the parties are also same, issues to be decided are same and the documents to be marked are also same,



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thereby, sought for transferring of R.L.T.O.P.No.456 of 2020 to that of VI Additional City Civil Court, Chennai for a joint trial along with O.S.No.4865 of 2020.

5. Learned counsel appearing for the respondents has opposed vehemently the submissions made by the learned counsel appearing for the petitioner on the ground that both the suits have filed under two different enactments. The Civil Court cannot entertain and try the case cannot file Rent Control Case in R.L.T.O.P.No.456 of 2020 and thereby, the orders passed by the learned Principal Judge, City Civil Court, cannot be interfered with.

6. This Court has perused the material papers available on record, including the impugned order.

7. The petitioner has filed Transfer O.P.No.129 of 2021 under Section 24 of the Code of Civil Procedure, which runs as under:-

“General power of transfer and withdrawal -

(1) On the application of any of the parties and



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after notice to the parties and after hearing such of them as desired to be heard, or of its own motion without such notice, the High Court or the District Court may at any stage -

(a) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or

(b) withdraw any suit, appeal or other proceeding pending in any Court subordinate to it, and

(i) try or dispose of the same; or

(ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(iii) re-transfer the same for trial or disposal to the Court from which it was withdrawn

(2) Where any suit or proceeding has been transferred or withdrawn under sub-section (1), the



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Court which is thereafter to try or dispose of such suit or proceeding may, subject to any special directions in the case of any order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn. [(3) For the purposes of this section - (a) Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court; (b) "proceeding" includes a proceeding for the execution of a decree or order. (4) the Court trying any suit transferred or withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

(5) A suit or proceeding may be transferred under this section from a Court which has no jurisdiction to try it.

8. Learned counsel for the petitioner is expected to demonstrate before the Court that both the proceedings are in respect of the same schedule property between the same parties and the Court to which one



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of the proceedings is seeking to be transferred is having the subject matter of Jurisdiction to try and dispose of the case and finally it is also to be considered by the Court whether disposing of those two proceedings by different Courts will anyway result in multiplicity or the divergent orders which affects any of the parties.

9. O.S.No.4865 of 2020 was filed by the petitioner, on the file of VI Additional City Civil Court, Chennai, under the Specific Relief Act, alleging that first respondent, seeking for enforcement of Agreement of Sale, dated 29/12/2017 allegedly executed by some of the respondents and for declaration of one settlement deed and also registered sale deed as null and void. However, the question for consideration is whether VI Additional City Civil Court, Chennai, being the Civil Court can entertain, try and dispose of R.L.T.O.P.No.486 of 2020 which is filed under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. In order to consider the same, relevant provisions of the Act, or in short Act 42 of 2017 required to be considered.



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10. The Rent Control Courts which were constituted under Section 32 of the Tamil Nadu Regulation of Rights and Responsibilities of Land Lord and Tenants Act, 2017, will have exclusive jurisdiction in respect of all the matters relating to disputes between the land lord and tenant and also other ancillary issues thereto. It is specifically mentioned under Section 34 of the Act, no Civil Court, shall have jurisdiction to hear and decide the application relating to disputes between landlord and tenant. Thereby, all the issues pertaining to the land lord and tenant more particularly, the cases that were instituted under Act 42 of 2017 will have to be tried by the Rent Control Court only. Further Section 36 mandates that subject to the Rules made under the Act 42 of 2017, the procedure laid down under Code of C.P.C., are not applicable.

11. The respondents 6 and 7 have filed R.L.T.O.P.No.456 of 2020, seeking eviction, on the relevant provisions of Act 42 of 2017, including for personal occupation, sub letting the premises and not entering the rental agreement. These issues pertain to the landlord and tenant will have to be dealt with exclusively by the Rent Control Court, and the jurisdiction of Civil Court is expressly barred. Considering the above, the above, the Civil Court cannot try the issues pertain to the land lord



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and tenant, thereby, R.L.T.O.P.No.456 of 2020 filed by the respondents 6 and 7 against the tenant, seeking eviction on various grounds cannot be decided by the learned VI Additional City Civil Court, Chennai. Therefore, the learned trial Court has rightly dismissed the petition, under Section 24 of the Code of Civil Procedure.

12. Section 24 can be invoked seeking transfer of two Civil cases or for the cases where the Code of Civil Procedure can be applied. Since the application of Code of Civil Procedure is specifically barred in respect of any issue pertaining to the disputes between the land lord and tenant, the District Court should not have entertained even application to transfer R.L.T.O.P.No.456 of 2020. Therefore, on this ground also, the petitioner cannot seek the relief.

13. It is held by the Hon'ble Apex Court in the case of ***Subash Chandra and others Vs. Bharat Petroleum Corporation Limited*** that jurisdiction of the Civil Courts are excluded from the landlord tenant disputes when they are specifically covered by the provisions of the State Rent Act which are given no over riding affect over other laws.



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14. Therefore, in view of the above discussion, the learned Principal Judge City Civil Court, Chennai has come to the right conclusion in passing the impugned order. There is no illegality or irregularity committed while appreciating the facts and in application of law and thereby, orders of the learned Principal Judge in Transfer O.P.No.29 of 2021 dated 9/2/2023 cannot be interfered with and therefore, Civil Revision Petition is dismissed. No costs.

26/4/2023

Index : Yes/no

Neutral Citation: Yes/No

mvs.

Note: Issue order copy on 21/7/2023

To

The Principal Judge, City Civil Court, Chennai.

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