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C.R.P.No.1972 of 2023

C.R.P.No.1972 of 2023
and
C.M.P.No.12474 of 2023

V.BHAVANI SUBBAROYAN,J.

The above matter is listed today under the caption “for being mentioned”. It is clarified that paragraph No.11 of this Court's earlier order dated 28.07.2023 in C.R.P.No.1972 of 2023 shall be modified to the following effect:-

11. A reading of Section 34 of the new Act would makes it abundantly clear that the Rent Controller cannot confine the proceedings before it as summary in nature. The Rent Controller, on exercise of sound discretion, shall conduct a trial to determine the real disputes in controversy, wherever it is warranted. The Rent Controller has all the powers that are vested with a Civil Court. In other words, the Rent Controller has the trappings of the Civil Court. In the present case, the only dispute required to be adjudicated is whether the revision petitioners are the owners of the premises in question in the teeth of the specific stand taken by the respondents in the counter that the revision petitioners herein are not the owners of the premises in question. As



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rightly pointed out by the learned counsel for the respondents-tenants, such a dispute is nebulous in nature and it requires evidence to be let in and documents to be marked. Therefore, the Rent Controller is wholly justified in proceeding to conduct a trial in the case. It is always open to the petitioners as well as the respondents to examine their witnesses or to cross-examine the witness besides marking documents to prove their respective case. All grounds raised in Original RLTOP under various Sections are to be revised and left open to the petitioner to be raised in trial before the Rent Controller. The Rent Controller shall fix a date for proceeding with the trial on or before 21.08.2023 as per the procedure established. The petitioners as well as respondents are directed to extend their co-operation for completion of the trial at the earliest.

2. Accordingly, the Registry is directed to issue a fresh order copy in C.R.P.No.1972 of 2023 dated 28.07.2023 after making necessary corrections.

11.08.2023

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