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CRP No.3511 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

**Civil Revision Petition No.3511 of 2023
and CMP.No.21916 of 2023**

1.M/s.T.Nagar Chennai Stays
2. D.Arockia Sekar
3. S. Sangeetha

... Petitioners

Vs.

1. P.Rajendran
2. R.Premila

... Respondents

Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order and decreetal order passed in MP.No.1 of 2022 in RLTOP.No.378 of 2021 dated 20.03.2023 on the file of the XIII Court of Small Causes, Chennai.

For Petitioner : Mr.R.Raman Laal

ORDER

The present Civil Revision Petition has been filed to set aside the order and decreetal order in MP.No.1 of 2022 in RLTOP.No.378 of 2021 dated 20.03.2023 passed by the XIII Court of Small Causes, Chennai.

2. The brief facts of the case is as follows:-

The petitioners/tenants herein are the respondents in the RLTOPs filed by the respondents/landlords. The petitioners herein are the tenants under the respondents. The RLTOP.Nos.378 of 2021 and 527 of 2021



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were filed by the respondents herein for the relief to vacate and deliver vacant possession for the purpose of demolition and reconstruction.

During the pendency of both the petitions, the petitioners herein filed Tr.OP.No.118 of 2021 before the II Additional Judge, City Civil Court, Chennai to transfer RLTOP.No.527 of 2021 to the file of XIII Court of Small Causes, Chennai, after enquiry, the said petition was ordered. Thereafter, the petitioner filed MP.No.1 of 2022 before the XIII Court of Small Causes, Chennai for joint trial of both the cases, as the common issues involved and the parties are one and the same. The trial Judge without considering the issues involved in both the cases and without taking note that the parties and the evidence to the proceedings are common, dismissed the petition on 20.03.2023. Challenging the said order, the petitioners are before this Court.

3. The learned counsel for the petitioners submits that the petitioners are tenants, the petitioners have filed MP.No.1 of 2022 for joint trial of RLTOP.Nos. 378 of 2021 and 527 of 2021 which were filed on the ground of wilful default and on the ground of demolition and reconstruction. The subject matter involved in both the cases and the parties are one and the same, in order to avoid conflicting decisions, the petitioners have filed the petition for joint trial. As per order in Tr.OP.No.118 of 2021, the transferee court was directed to decide whether both the RLTOP shall be tried joint,



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seperately or simultaneously.

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4. The learned counsel for the respondents/landlord in the counter it is averred that the petitioners filed the petition for joint trial only to drag on the proceedings and to harrass the landlords without any justification. The RLTOP.No.378 of 2021 was filed for wilful default and it is ripe for trial. The other RLTOP.No.527 of 2021 was filed on the ground of demolition and reconstruction and misue of premises. In RLTOP.No.527 of 2021, the respondents have filed MP.No.1 of 2021 for recovery of rental arrears and the petitioner have also filed their counter and the same is pending, without any progress. It is the contention of the respondents/landlord that the evidences and the documents that are going to be relied upon by them are distinct and seperate in respect of both the cases and there is least possibility for having joint trial. Hence, the learned counsel prays for dismissal of the petition.

5. The trial Court is of the view that even the issue involved and the parties are same, the relief of wilful default and the ground of demolition and reconstructon are different and both the cases does not involve common point for consideration, even though the parties and the subject matters are same, joint trial cannot be permitted and dismissed the petition.



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6. This Court is of the view that the trial Court can consider as the schedule of disputed property and the parties are same, both the RLTOPs shall be taken up jointly or simultaneously to avoid unnecessary pendency of matters on the same issue and to avoid conflicting decisions. Issuing commissions for examination of the witnesses or documents under Section 35(C) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The RLTOPs are summary trial, the Rent Court shall fix a date of hearing and may hold such summary inquiry as it deems necessary. The trial Court shall have joint or simultaneous trial in both the RLTOPs and proceed further and dispose both the RLTOPs within a period of six months from the date of receipt of a copy of this Order.

7. With the above directions, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.09.2023

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
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To
The XIII Court of Small Causes, Chennai.

V.BHAVANI SUBBAROYAN J.



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