



C.R.P. No. 2776 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :.09.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
C.R.P. No. 2776 of 2023

S. Karunanidhi

...Petitioner

.Vs.

S. Arunprasad

..Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order and decree dated 15.06.2023 passed in R.L.T.O.P.Sr.No.170 of 2023 on the file of the District Munsif Cum Judicial Magistrate Court, Madhavaram / Rent Court and consequently direct the Rent Court to number the RLTOP and decide the same on merits and in accordance with law.

For Petitioner : Mr. K. Sivasubramanian



C.R.P. No. 2776 of 2023

ORDER

This petition is filed to set aside the order and decree dated 15.06.2023 passed in R.L.T.O.P.Sr.No.170 of 2023 on the file of the District Munsif Cum Judicial Magistrate Court, Madhavaram / Rent Court and consequently direct the Rent Court to number the RLTOP .

2. The case of the petitioner is that he is the owner of the subject property and the respondent is the tenant and there was some dispute with them, as a result of which the petitioner directed the respondent/tenant to evict the subject property. Subsequently the petitioner filed an R.L.T.O.P petition before the District Munsif Cum Judicial Magistrate at Madhavaram and the said petition was returned on 05.05.2023 by stating that the petition to be filed before the Sub Court at Tiruvottiyur. However, the petitioner represented the returned petition by stating that as per the Tamil Nadu Regulation of Rights and responsibility of Landlord and Tenant Act 2017 the rent Court is a District Munsif Court. Hence pecuniary jurisdiction would not arise and Subordinate Court, Tiruvottiyur is not the competent Court to file the R.L.T.O.P. case. However the learned Judge returned the petition on 15.06.2023 by stating that the plaint has to be filed before proper jurisdiction Court as Original suit. Hence this petition.



C.R.P. No. 2776 of 2023

3. The learned counsel for the petitioner submitted that the learned Judge failed to consider the plea of the petitioner and returned the petition with a direction to the petitioner to file the petition before the proper jurisdictional Court as Original suit, which is not correct. Hence he prays this Court to allow this petition.

4. In view of the above, the learned Judge, District Munsif Cum Judicial Magistrate Court, is directed to number the R.L.T.O.P.Sr.No.170 of 2023 taking into account the date of filing of the said R.L.T.O.P and other procedures as per law.

5. With the above directions, this Civil Revision Petition is disposed of. No order as to costs.

09.08.2023

smn

Index : Yes/No

Internet: Yes/No

Note : Registry is directed to return the original applications to the petitioner, if any.



C.R.P. No. 2776 of 2023

V.BHAVANI SUBBAROYAN,J.
Smn

To.

1. The District Munsif Cum Judicial Magistrate Court,
Madhavaram / Rent Court

C.R.P. No. 2776 of 2023

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