



C.R.P.No.21 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.21 of 2023

Nalini Zaman .. Petitioner

Vs

Zulfikar ali .. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to direct the XIII Small Causes Court at Chennai to dispose of the petition in R.L.T.O.P.No.186 of 2022 within a stipulated time as framed by this Hon'ble Court on merits and in accordance with law by allowing the present Civil Revision Petition.

For Petitioner : M/s.M.Rakhi

For respondent : M/s.Vasudha Thiagarajan



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ORDER

The Civil Revision Petition has been instituted to dispose of the petition filed by the Revision Petitioner in R.L.T.O.P.No.186 of 2022.

2. The Revision Petitioner is the landlord and filed a petition for eviction under Tamil Nadu Act 42/2017.

3. The Learned Counsel for the petitioner states that the petitioner landlord is aged about 74 years and the respondent/tenant is in occupation of the subject premises for the past about 40 years and the learned counsel for the petitioner states that the petitioner who is a senior citizen is struggling to vacate the subject premises despite the fact that the lease was not continued and the respondent/tenant is over staying in the premises. However, all such issues are sought to be adjudicated by the rent court under the provisions of the Tamil Nadu Act 42 of 2017.



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4. As far as the present Revision Petition is concerned, it is needless to state that the procedures contemplated under Section 36 of the Act prescribed time limit for disposal of the application filed under Section 24 of the Act. When the petitioner specifically claims that she is a senior citizen and the respondent/tenant is continuing in the subject premises for more than 40 years, the rent court has to give priority for disposal of such cases.

5. The rent court and the rent tribunal are expected to regulate its own proceedings for effective disposal of the cases under the new Act which is the prime object of the enactment. After the enforcement of the Tamil Nadu Act 42 of 2017, the courts are expected to follow its own procedure in compliance with the rules of natural justice and dispose of the cases as per the time limit contemplated. However, on some occasions, it may not be possible to complete the proceedings within the time limit on account of large number of cases or at the instance of the parties by seeking unnecessary adjournments on flimsy grounds. The cases are to be



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conducted whenever it is posted for hearing. Thus, the rule is to conduct the case and adjournment is an exception. Exception cannot be made as a rule and in the event of seeking adjournments on flimsy grounds, the rent court or rent tribunal are expected to impose heavy cost on the parties who seek such unnecessary adjournments. If adjournments are sought for beyond the permissible adjournments, then the reasons for adjournments are to be recorded by the rent court and rent tribunals. Citizens are longing to get justice and the courts are expected to be sensitive in matters with regard to tenant/landlord and right to property under Article 300A of Constitution of India. No person can be deprived of the right of property which is a valuable right and such a right can be countenanced only by the authority of law and not otherwise. The right of the tenant as a statutory right is confined with reference to the terms and conditions agreed between the parties. Therefore, only in the event of violation of the terms and conditions of the lease, the tenant gets right to enforce conditions. If no agreement exists or the agreement got expired, then, the tenant has no right to continue in the premises. Only in a country like India, the abuse of process and over stay by



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tenants for years together are happening due to the procedures adopted by the courts for disposal of the case. The spirit and the object of the Tamil Nadu Act 42 of 2017 is to be implemented by the rent court and rent tribunal effectively so as to achieve its goal.

6. The rent court and rent tribunal has to give priority in respect of the senior citizen and in respect of the cases where the tenant is in occupation of the premises for long years. The right to property conferred under the Indian Constitution is to be protected in respect of the landlords by way of speedy adjudication of issues.

7. As per Section 36(1) of the new Act, the Code of Civil Procedure is inapplicable and the parties in the event of filing any Interlocutory Application under the Code of Civil Procedure, the same cannot be entertained by the rent court.



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S.M.SUBRAMANIAM, J.

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8. Considering the facts and circumstances of the case on hand requires a direction to the rent court for the speedy disposal. Accordingly, the rent court is directed to dispose of the R.L.T.O.P.No.186 of 2022 within a period of three months from the date of receipt of a copy of this order.

9. Accordingly, the present Civil Revision Petition stands disposed of. There shall be no order as to costs.

19.01.2023

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Neutral Citation: Yes/No
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Copy to:

XIII Small Causes Court,
Chennai.

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