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C.R.P.No.3057 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-01-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CRP No.3057 of 2022

And

CMP No.16474 of 2022

R.Selvaraj

... Petitioner

VS.

Dr.V.C.Poornachandran

... Respondent

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the Docket Order dated 16.09.2022 passed in IASR No.7470 of 2022 in RLTOP No.36 of 2020 on the file of the Principal District Munsif Court at Poonamallee, dismissing the set aside petition filed by the petitioner herein is erroneous.

For Petitioner : Mr.C.Shankar

For Respondent : Mr.K.Balaji



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ORDER

The present Civil Revision is filed against the Docket Order dated 16.09.2022 passed in IASR No.7470 of 2022 in RLTOP No.36 of 2020 on the file of the Principal District Munsif Court at Poonamallee, dismissing the set aside petition filed by the petitioner herein is erroneous.

2. The revision petitioner is the tenant and the respondent-landlord instituted the eviction proceedings under Tamil Nadu Act 42 of 2017 on the ground of default in payment of rent and for owner's occupation.

3. The RLTOP is instituted against the revision petitioner by the respondent is pending for the past about two years. The revision petitioner-tenant filed a petition under Order IX, Rule 7 of the Code of Civil Procedure to set aside the ex parte order dated 08.09.2022 passed against the revision petitioner-tenant in RLTOP No.36 of 2020.



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4. The Interlocutory Application filed under Order IX, Rule 7 of the Code of Civil Procedure was returned due to notice not given to the other side by the revision petitioner-tenant. The revision petitioner has not even enclosed the copy of the affidavit along with the Interlocutory Application filed under Order IX, Rule 7 of the Code of Civil Procedure.

5. The Rent Court returned the papers by noting the reasons for such return. Instead of complying with the defects noted down, the revision petitioner-tenant accused the Rent Court and its officials. The Rent Court, before returning the petition filed by the revision petitioner-tenant under Order IX, Rule 7 of the Code of Civil Procedure, has pointed out to the learned counsel representing the revision petitioner-tenant about the defects. However, the revision petitioner-tenant raised allegations against the Rent Court without any basis. The Rent Court found that the contemptuous allegations are made by the revision petitioner-tenant and considering that such allegations are raised for the first time, the Rent Court had not pressed for any action in respect of such allegations raised against the Court itself.

6. The Docket Order reveals that if the revision petitioner-tenant



intends to continue such allegations in future, appropriate actions will be initiated. Consequently, the Interlocutory Locutory Application filed under Order IX, Rule 7 of the Code of Civil Procedure was dismissed due to non-maintainability.

7. It is not in dispute that the eviction proceedings are initiated under Tamil Nadu Act 42 of 2017. Section 36 of the Act contemplates the procedures of Rent Court and Rent Tribunal. Sub Section (1) of Section 36 stipulates that subject to any rules that may be made under this Act, the Rent Court and the Rent Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (Central Act V of 1908), but shall be guided by the principles of natural justice.

8. In the present case, opportunities were granted to the revision petitioner-tenant and he participated in the proceedings and cost was imposed by the Rent Court to proceed with the cross-examination and the said cost was not paid by the revision petitioner-tenant and thus the Rent Court passed orders.



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9. Therefore, it is unambiguous that the revision petitioner-tenant made an attempt to drag on the eviction proceedings, which is pending for more than two years before the Rent Court. Under Section 36(6) of the Act, the time limit is prescribed for the disposal of the rent proceedings under the New Act.

10. In order to defeat the time limit, the revision petitioner not only took adjournments, but also not cooperated with the Rent Court for early disposal of the proceedings. Such an attitude of the parties to the litigation, at no circumstances, be encouraged by the Courts. Every party to the proceedings are expected to be cautious and duty bound to cooperate for the early disposal of the case. For the purpose of dragging on the proceedings or with an ill-motive to defeat the proceedings if any adjournment is sought for or interlocutory applications are filed, the Courts are expected to deal with ill-motive of the litigants suitably and maximum cost is to be imposed in such circumstances. Adjournments on flimsy grounds are to be refused. Adjournments are to be granted only on genuine grounds, which are to be recorded as per the provisions of the New Act.



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11. That being the spirit of the New Act, this Court is of the considered opinion that the Interlocutory Application filed by the revision petitioner-tenant under the Code of Civil Procedure is not entertainable, which was rightly rejected by the Trial Court and thus, there is no infirmity or perversity in respect of the Docket Order passed by the Trial Court. The Rent Court is empowered to proceed with RLTOP No.36 of 2020 and dispose of the same, within a period of one month from the date of receipt of a copy of this order.

12. Accordingly, the present Civil Revision Petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

24-01-2023

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Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order



To

The Principal District Munsif Court,
Poonamallee.

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S.M.SUBRAMANIAM, J.

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