



C.R.P.No.3348 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P (PD) No.3348 of 2022

C.Mothichand

..

Petitioner

Vs

R.Nandakumar

..

Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to set aside the order dated 05.07.2022 passed in I.A.No.1 of 2022 in R.L.T.A No.1 of 2022 on the file of the Additional District Judge, Mayiladuthurai.

For Petitioner : Mr.M.Arvind Kumar

For respondent : Mr.B.Jawahar



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ORDER

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This Civil Revision Petition is filed against the fair and decretal order dated 05.07.2022 passed in I.A.No.1 of 2022 in R.L.T.A.No.1 of 2022 on the file of the Additional District Judge, Mayiladuthurai.

2. The Miscellaneous Petition is filed under Section 151 of Civil Procedure Code by the Revision Petitioner is not entertainable in view of the bar contemplated under Section 36(1) of the Tamil Nadu Act 42 of 2017. Section 36 enumerates the procedure of Rent Court and Rent Tribunal and Sub Section 1 denotes that the Rent Court and Rent Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure 1908 but shall be guided by the principles of natural justice and shall have power to regulate their own procedure. While so, the interlocutory application in I.A.No.1 of 2022 in R.L.T.A No.1 of 2022 was filed under Section 151 of Civil Procedure Code is not maintainable by the rent Tribunal.

3. Learned Counsel for the revision petitioner made a submission



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that the R.L.T.A proceedings was filed before the wrong Court having no jurisdiction. However, the learned counsel for the respondents disputed the said contention by stating that the Additional District Court, Mayiladuthurai has been designated as rent Tribunal under the Provisions of the Act in G.O.Ms.No.102, Housing and Urban Development Department dated 27.07.2020.

4. In view of the fact that the Additional District Court is designated as rent Tribunal under the provisions of the new Act, the contention raised in this regard deserves no merit consideration. Regarding certain procedural mistakes, the respondent is at liberty to correct the same and proceed with the appeal without causing undue delay.

5. No Miscellaneous Petition under the Code of Civil Procedure is entertainable in view of the express bar under Section 36(1) of the New Act. The Courts cannot allow the parties to file a Miscellaneous Petition in violation of the Act or file with an idea to prolong and protract the litigation.



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The time limit prescribed in the Act is to be followed at all circumstances and even the adjournments sought to be granted in a restricted manner by recording reasons as contemplated under the New Act. At the outset, the rent Court and the Rent Tribunal shall ensure that the applications and appeals are disposed of within a time limit contemplated under the New act and only on exceptional circumstances, adjournments are to be granted in more than three occasions. In the present case, the RLTOP filed by the landlord was allowed and the eviction was ordered. The execution petition filed is yet pending. Meanwhile, appeal was filed, thus, the Additional District Judge/Rent Tribunal shall dispose of the appeal considering the time limit contemplated under the provisions of the Act. With these observations, the CRP stands dismissed.

6. All the grounds including the maintainability jurisdiction may be raised by the respective parties in the appeal itself. By filing Miscellaneous Petition. The Parties cannot insist the court to decide the issues separately and independently while entertaining application under the



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Civil Procedure Code is expressly barred. All the issues raised between the parties ought to be considered and decided in the appeal itself.

7. Accordingly, the present Civil Revision Petition stands Dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

10.01.2023

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Neutral Citation: Yes/No

nhs

Copy to:

Additional District Judge,
Mayiladuthurai.



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S.M.SUBRAMANIAM, J.

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