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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.Nos.3351 & 3405 of 2023
and
C.M.P.Nos.20826 & 21134 of 2023

1.Mrs.Prema Ajit	... Petitioner in CRP.No.3351/2023
2.Mrs.Chintya	... Petitioner in CRP.No.3405/2023

Vs.

1.M/s.Sudarsan Trading Company Limited,
Rep. by its Authorised Signatory
Sudarsan Building, 27 Whites Road,
7th Floor, Royapettah,
Chennai – 600 014.

2.Saradambal Srinivasa Mudaliar Charitable Trust,
Rep. by its Trustee
No.33, Old No.5/2, 14th East Cross Road,
Gandhi Nagar, Vellore,
Tamil Nadu – 632 006.

3.Mr.T.Rajendiran

4.D.Manohar	... Respondents in 2 CRPs
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Prayer in CRP.No.3351 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal Order dated 31.07.2023 in I.A.SR.No.51257 of 2023 in O.S.No.2915 of 2022, passed by the XX Assistant City Civil Judge, Chennai.

Prayer in CRP.No.3405 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal Order dated 31.07.2023 in I.A.SR.No.51465 of 2023 in O.S.No.2916 of 2022, passed by the XX Assistant City Civil Judge, Chennai.

For Petitioners	: Mr.S.Mukunth Senior Counsel For mr.M.Ashwin Kumar (in 2CRPs)
For R1	: Mr.B.Divakaran (in 2CRPs)
For R2	: Served (in 2CRPs)
For R3 & R4	: Mr.T.S.Baskaran (in 2CRPs)

COMMON ORDER

These Civil Revision Petitions have been filed challenging the order passed in I.A.SR.Nos.51257 & 51465 of 2023 in O.S.Nos.2915 & 2916 of 2022 passed by the XX Assistant City Civil Judge, Chennai.



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2. The learned counsel for the petitioners states that before the Trial Court the petitioners have filed unnumbered Applications in SR.Nos. 51257 & 51465 of 2023 under Order 12 Rule 6 of Civil Procedures Code seeking judgment based on the facts admitted by the respondents. The petitioners have stated before the Trial Court that in the written statement filed by the respondents, they have admitted the possession of the property. Therefore, based on that the cause of action has been proved.

3. Accordingly, the petitioners want to decree the suit, but that application was rejected by the Trial Court on careful reading of the written statement of the respondents, it is found that they did not admit that they are trying to evict the petitioners from the suit property in an illegal manner. Therefore, the Trial court rejected the application.

4. However, the learned counsel for petitioner submits that the Trial Court ought to have numbered these applications, instead of that the Trial Court rejected these applications at the admission stage itself. Therefore, the Trial Court has erroneously rejected the applications at the admission stage



which is in violation of principle of natural justice.

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5. On perusal of the records it is found that the revision petitioners have filed Suits for permanent injunction not to evict them from the suit property except under due process of law. They have also admit that they are tenant under the 1st defendant, but not accepted the defendants 2 and 3 as the landlords.

6. The learned counsel for the respondents 3 and 4 submits that as on date the petitioners have not paid the rent also. By way of reply through counsel for the petitioners submits that they are uncertain on what was the last date they have paid the rent. The petitioners were also not able to prove that they have paid the rent regularly.

7. However, notice issued by the respondents 3 and 4 shows that as on date more than Rs.15,00,000/- of arrears of rent has not been paid. Therefore, the conduct of the petitioners are not acceptable as the petitioners are claiming unlawful possession of the property. Therefore, the Trial Court has rightly rejected the application. However, Liberty is granted to both the



parties to seek appropriate remedy before the Trial Court. The Trial Court is directed to dispose of the case as expeditiously as possible within a period of three months from the date of receipt of a copy of this order.

8. With this liberty, these Civil Revision Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

28.11.2023

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

To

The XX Assistant City Civil Judge,
Chennai.



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C.R.P.Nos.3351 & 3405 of

T.V.THAMILSELVI, J.

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