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Tr.C.M.P.No.1130 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

Tr.C.M.P.No.1130 of 2022

and

C.M.P.No.19249 of 2022

1.M/s.BMR Ventures (A Partnership firm)

Having its registered Office at
Door Nos.7 & 8, 29th Cross Street,
Kalashethra Colony, Besant Nager,
Chennai – 600 090, rep.by its Partners.

2.Balakrishnan

3.S.Mohanraj

4.R.Ragunandhan

... Petitioners

Vs.

1.Mrs.D.Chellammal

2.Mrs.Sudha Sivaprakasam

... Respondents

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to pass an order to withdraw the RLTOP No.10 of 2022 pending on the file of Hon'ble Principal District Munsif Court, Alandur, and to Transfer the same to the Hon'ble VI-Additional City Civil Court, Chennai, to try along with the O.S.No.5967 of 2022.



For Petitioners : Mr.S.Ambalavanan

For Respondents : Mr.J.Ravi Kumar

ORDER

The transfer petition is filed to withdraw RLTOP No.10 of 2022, pending on the file of the Rent Court at Alandur and transfer the same to VI-Additional City Civil Court, Chennai, to be tried along with the O.S.No.5967 of 2022. The petitioners are the respondents/tenants in the RLTOP proceedings and the respondents herein are the landlords who have instituted proceedings for eviction in RLTOP No.10 of 2022.

2.The revision petitioners have instituted a civil suit in O.S.No.5967 of 2022 for the recovery of money against the respondents. The learned counsel for the petitioner mainly contended that in the event of separate trial, there is a possibility of conflict in decisions and therefore, both the RLTOP and the suit is to be tried together.

3.The learned counsel for the respondent raised an objection by stating that the procedures contemplated for the RLTOP is entirely different



in which the Code Of Civil Procedure is inapplicable and thus, the joint trial is not permissible and the transfer petition is to be rejected.

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4.The rent control proceedings are now governed under the provisions of the Tamil Nadu Regulations of Rights and Responsibilities of Landlords and Tenants Act 2017 and separate procedures are contemplated under section 36 of the Act which is to be followed by the Rent Court and Rent Tribunal. Sub Section 1 of Section 36 enumerates 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 Code of Civil Procedure 1908, but shall be guided by the Principles of Natural Justice. Several proceedings are contemplated under the TN Act 42 of 2017. The lengthy procedures contemplated under the Code Of Civil Procedures are inapplicable in respect of the rent control proceedings under the new Act. Thus, the joint trial is impermissible and in the event of a joint trial, the same could undoubtedly cost greater prejudice to the interest of the landlords who instituted eviction proceedings under the new Act, and further the very purpose and object of the provisions of the act would be defeated.



5.Thus, at no circumstances, RLTOP proceedings instituted under Tamil Nadu Act 42 of 2017 shall be tagged along with the suits filed under the Code Of Civil Procedure for the purpose of a joint trial. Both of their procedures are different and distinct.

6.These being the facts and circumstances to be considered, this Court is of the considered opinion that the transfer as such sought in the present petition cannot be considered and accordingly, the Tr.CMP No.1130 of 2022 stands **dismissed**. The Rent Court shall proceed with the RLTOP No.10 of 2022 by keeping in mind the time limit prescribed under Section 36(6) of the Act and dispose of the case, as expeditiously as possible. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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24.01.2023

Index : Yes

Speaking order



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S.M.SUBRAMANIAM, J.

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To

1. Principal District Munsif Court, Alandur.
2. VI-Additional City Civil Court, Chennai.

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