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CRP No.3737 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-01-2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CRP No.3737 of 2022

Pushpavalli Suresh Babhu

.. Petitioner

vs.

M/s.Sopos Technologies Pvt Ltd.,
Represented by its Director, Mr.Balamurugan,
Plot No.30, Old No.5, New No.9,
Sundar Nagar - 1st Avenue,
Ekattuthangal,
Chennai-600 032.

.. Respondent

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 19.09.2022 in MP No.7 of 2022 in RLTOP No.510 of 2020 on the file of the XVI Court of Small Causes at Chennai.

For Petitioner : Mr.P.B.Balaji



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For Respondent

: Mr.R.Thiyaga Rajan for
Mr.B.Nedunchezhiyan

ORDER

The present Civil Revision Petition is filed challenging the order dated 19.09.2022 passed in MP No.7 of 2022 in RLTOP No.510 of 2020 on the file of the XVI Court of Small Causes at Chennai.

2. The revision petitioner is the landlady instituted eviction proceedings under TN Act 42 of 2017 and the respondent-Company-tenant defended their case. The eviction was ordered by the Rent Court.

3. During the pendency of the eviction application, the revision petitioner-landlady filed MP No.7 of 2020 for recovery of rent under Section 25 of the New Act. The said application was adjudicated and dismissed by the Rent Court along with the order passed in the RLTOP proceedings.



4. The grievance of the revision petitioner is that once a miscellaneous petition is filed, claiming arrears of rent under Section 25 of the New Act, it is to be decided by the Rent Court before the disposal of the RLTOP proceedings.

5. In the present case, the miscellaneous petition was disposed of along with RLTOP proceedings depriving the revision petitioner-landlady from recovering the arrears of rent and other charges. Thus the revision petitioner-landlady is constrained to move the present Civil Revision Petition.

6. The learned counsel for the respondent objected the said contention raised on behalf of the revision petitioner by stating that the petition under Section 25 of the New Act is not entertainable in view of the fact that the eviction was considered by the Rent Court under Section 21(2)(a) of the Act. Section 21(2)(a) and (b) are excluded from Section 25 of the Act. Thus the miscellaneous petition filed under Section 25 of the Act



by the revision petitioner is not maintainable.

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7. It is not in dispute between the parties that the respondent-tenant evicted the subject premises and handed over eviction possession to the revision petitioner-landlady. As far as the miscellaneous petition is concerned, it is not in dispute that it was filed during the pendency of PW-1 proceedings. However, the disposal of the same along with the main proceedings.

8. Regarding the payment of rent during eviction proceedings, Section 25 of the New Act unambiguously stipulate that in any proceedings for recovery of possession on any ground other than that referred to in clause (a) or clause (b) of sub-section (2) of section 21, the tenant contests the claim for eviction, the landlord may, at any stage of proceedings, apply to the Rent Court.

9. In the present case, though the revision petitioner-landlady filed



miscellaneous petition under Section 25 during the pendency of the RLTOP proceedings, since the eviction was ordered under Section 21(2)(a) of the Act, the revision petitioner-landlady is not entitled to entertain the miscellaneous application under Section 25 of the Act. However, the revision petitioner-landlady is entitled to recover the amount in the manner contemplated under the provisions of the Act and more specifically, the revision petitioner is at liberty to file an appropriate application under the relevant provisions of the Act, seeking for recovery of rent or seeking compensation or otherwise.

10. It is brought to the notice of this Court that challenging the order passed in RLTOP No.510 of 2022, the revision petitioner filed RLTA No.136 of 2022. Thus, the revision petitioner is at liberty to file an appropriate application before the Rent Tribunal under the relevant provisions of the Act, for the purpose of redressing her grievances in the manner known to law.



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11. As far as the order impugned in the present Civil Revision

Petition is concerned, this Court do not find any infirmity or perversity.

12. It is needless to state that the respondent is at liberty to defend the application if any filed by the revision petitioner, seeking further relief in the RLTA proceedings in accordance with law.

13. Thus the present Civil Revision Petition stands dismissed with the liberty to the revision petitioner to approach the Rent Tribunal for redressing her grievances. However, there shall be no order as to costs.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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The XVI Judge,
Court of Small Causes,
Chennai.

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S.M.SUBRAMANIAM, J.

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