



C.R.P.No.3709 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.3709 of 2023

Caroline John

... Petitioner

-Vs-

M.Mangali

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the Civil Revision Petition and set aside the order and decretal order dated 09.08.2023 passed in RLTOP Sr.No.5257/2023 on the file of the Hon'ble XI Small Causes Court, Chennai.

For Petitioner

:

Mr.T.Easwara Dhas



C.R.P.No.3709 of 2023

ORDER

WEB COPY

Challenging the impugned docket order passed in RLTOP SR.No.5257 of 2023 on the file of XI Small Causes Court, Chennai, the petitioner preferred this Civil Revision Petition.

2. Since the relief sought against the docket order passed by the trial judge, notice to the respondent is dispensed with.

3. The learned counsel for Revision Petitioner would submit that the learned judge returned the petition stating that since tenancy was not registered as per the new Act and also relied the ratio laid down by this court in the authority reported in **2022 (2) CTC 291**. The learned counsel would submit that as per the ratio laid down by this court in a common judgment passed in **C.R.P. (NPD) Nos.3056, 3061, 3062, 3063, 3067 and 3094 of 2021**, this Court gave a direction to number the application even though the lease agreement was not registered.



C.R.P.No.3709 of 2023

4. On considering both authorities, it reveals that there is a different view taken by this court, however, as a landlord, he is entitled to approach the Rent Controller and the petition is to be decided on merit and on the face of record, it shall not be rejected. So, if the opportunity is not given by the Rent Controller to the petitioner, he will be put into much hardship. Therefore, the docket order passed by the learned Rent Controller in RLTOP SR.No.5257 of 2023 is ordered to be set aside. The learned Rent Controller is directed to number the petition subject to maintainability, the same can be decided at the end of trial, hence, take the petition on file within a period of two weeks from the date of receipt of copy of this order. Registry is directed to return the original RLTOP petition to the petitioner. Accordingly, this Civil Revision Petition is allowed. No costs.

16.10.2023

rpp

Index : Yes/No

Speaking Order : Yes/No

To

XI Judge, Small Causes Court, Chennai.



WEB COPY



C.R.P.No.3709 of 2023

T.V.THAMILSELVI, J.

rpp

C.R.P.No.3709 of 2023

16.10.2023