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C.R.P.No.3762 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM:

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

C.R.P.No.3762 of 2023

and

C.M.P.No.23402 of 2023

A.Selvam Gunaseeli

... Petitioner

-Vs-

M.Venkatesan

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the impugned fair and final order dated 02.08.2023 made in I.A.No. 01 of 2023 in RLTOP No.30/2022 by the learned Rent Controller cum First Additional District Munsif, Coimbatore.

For Petitioner

: Ms.S.Yogalakshmi



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ORDER

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Challenging the impugned order passed in I.A.No.1 of 2023 in RLTOP No.30 of 2022 by the learned Rent Controller cum First Additional District Munsif, Coimbatore, the Revision Petitioner/tenant preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondent is dispensed with.

3. Before the trial court, the Revision Petitioner filed an Interlocutory Application in I.A.No.1 of 2023 under Order 7 Rule 11 of C.P.C. praying to reject the petition stating that there was no landlord and tenancy relationship and the respondent herein has no right or title over the property, thereby the petition filed under Sec.21(2)(g) of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 is not maintainable. Hence, she prayed to dismiss the petition. That application was objected by the respondent herein stating that from the year of 2022 onwards, the Revision Petitioner was in possession of the



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property as a tenant, as such the petition filed by him is maintainable under law. On considering both side submissions, the learned Rent Controller held that the application filed under Order 7 Rule 11 of C.P.C. is not maintainable. Furthermore, in respect of jural relationship, the landlord and tenant, it can be decided at the time of deciding original RLTOP petition. Challenging the said findings, the Revision Petitioner/tenant preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that the application filed under Order 7 Rule 11 of C.P.C., as such is maintainable, since because there is no landlord and tenant relationship between herself and the respondent. Furthermore, the respondent ought to have filed a suit, if at all, he wanted to vacate her. But, the learned Rent Controller erroneously dismissed the application. Hence, she prayed to set aside the findings of the trial judge.

5. Considering the facts and circumstances and also considering her submissions, it reveals that the respondent herein filed a petition before the learned Rent Controller in the R.C.O.P. proceedings and the learned



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Rent Controller rightly concluded that only after the completion of trial, the jural relationship of petitioner and respondent can be decided by relying the petitioner's averments. Therefore, the reasons assigned by the learned Rent Controller is justifiable one, which needs no interference. Accordingly, this Civil Revision Petition is dismissed. The Revision Petitioner is permitted to raise all her defence before the Rent Controller and on considering the same, the learned Rent Controller is directed to dispose the petition as per manner known to law. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

01.11.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The Rent Controller-cum-First Additional District Munsif,
Coimbatore.



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T.V.THAMILSELVI, J.

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