



C.R.P.No. 4173 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4173 of 2023

and

C.M.P.No. 25424 of 2023

P.V.Babu

.. Petitioner

Vs

R.Murali

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside fair and decreetal order dated 28.06.2023 in RLTA.No.84 of 2022 on the file of the XVII Additional City Civil Court, Chennai confirming the order and decreetal order dated 22.03.2022 in RLTOP.No.261 of 2019 passed by the learned XIII Judge Small Causes Court, Chennai.

For Petitioner : Mr.S.Jaganathan

For Respondent : Mr.T.Srikanth for Cavetor



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ORDER

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This Civil Revision Petition is filed to set aside fair and decreetal order dated 28.06.2023 in RLTA.No.84 of 2022 on the file of the XVII Additional City Civil Court, Chennai confirming the order and decreetal order dated 22.03.2022 in RLTOP.No.261 of 2019 passed by the XIII Judge Small Causes Court, Chennai.

2. Before the Rent Controller, the landlord filed a petition in RLTOP.No.261 of 2019 under Section 21(2)(a) & 21(2)(g) of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. On the side of the landlord, P.W.1 was examined and on the side of the respondent R.W.1 was examined.

3. On considering the fact that the landlord calling upon the tenant to vacate the premise after expiry of the rental agreement and thereafter, there was no rental agreement between the parties. The Rent Controller rightly ordered for eviction. As against which, he preferred an appeal. The Appellate Authority also rightly analysed all the facts and



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conclude that the finding given by the Rent Controller as such is maintainable in law. Accordingly, appeal was dismissed. As against which, the present revision is filed.

4. The learned counsel for the petitioner / tenant submits that both the Courts below failed to take note of the fact that Section 21(2)(a) of TNRRRLT Act can be invoked only in cases of oral tenancies created before the commencement of the new Act and that the landlord and tenant shall enter into an agreement in writing with regard to that tenancy within 575 days from the date of commencement of the new Act.

5. By way of reply, the learned counsel for the respondent / landlord submits that before initiating the proceeding, notice was issued for that they gave reply seeking time to vacate the premise. Both notice were marked as Exs.P2 and P3.

6. By relying those documents, the Court below rightly ordered for eviction, which needs no interference by this Court. Accordingly, the



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Civil Revision Petition is dismissed. Three months time is granted to vacate the premise from the date of receipt of copy of this order. No costs.

Consequently, connected miscellaneous petition is closed.

29.11.2023

Index :Yes/No
Neutral Citation :Yes/No
AT

To

1. The XVII Additional City Civil Court, Chennai.
2. The XIII Judge Small Causes Court, Chennai.



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T.V.THAMILSELVI, J.

AT

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