



C.R.P.(PD)(MD)No.1053 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

C.R.P.(PD)(MD)No.1053 of 2023 &
C.M.P.(MD)No.4960 of 2023

Syed Ibrahim

... Petitioner

Vs.

D.Ramesh Rajan

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed in I.A.No.2 of 2023 in R.L.T.A.No.1 of 2023 by the learned Principal District Judge (Rent Tribunal), Srivilliputhur dated 31.03.2023.

For Petitioner : Mr.R.Parthiban

For Respondent : Mrs.G.Thilakavathi, Senior Counsel
for Mr.R.Gopinath



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ORDER

The petitioner is an unsuccessful tenant before the Rent Tribunal in R.L.T.O.P.No.2 of 2022 filed by the respondent / landlord under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenants Act, 2017. The Rent Tribunal allowed the claim of the respondent by an order dated 05.12.2022 under Section 21(2)(a) of the aforesaid Act. Aggrieved by the same, the petitioner has filed R.L.T.A.No.1 of 2023. In R.L.T.A.No.1 of 2023, the petitioner has filed I.A.No.2 of 2023 to receive additional evidence under Section 38(3) of the Aforesaid Act. Before filing I.A.No.2 of 2023 in R.L.T.A.No.1 of 2023, the petitioner has also served a copy of the interim Application filed for receiving additional evidence. The respondent has made the following endorsement.

*"Subject to proof and relevance, the
petition may be allowed."*



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However, the Rent Tribunal (Principal District Court, Srivilliputhur) has not passed an order on the application, instead, it has deferred the enquiry in I.A.No.2 of 2023 along with the appeal in R.L.T.A.No.1 of 2023.

2. It is submitted by the learned counsel appearing on behalf of the petitioner that Section 38 (3) and (4) of the aforesaid Act is different from Order 41 Rule 27 (1) (aa) of the Code of Civil Procedure. It is submitted that wide powers are vested with the Rent Tribunal under Section 38 (3) read with 38 (4) of the aforesaid Act and therefore, the failure of the Rent Tribunal to pass appropriate order in I.A.No.2 of 2023 warrants intervention included under Article 227 of the Constitution of India.

3. Defending the impugned Docket Order, the learned Senior Counsel appearing on behalf of the respondent / landlord submits that the when the case was listed for arguments, the petitioner presented I.A.No.2



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of 2023. It is submitted that the option of petitioner has not been foreclosed as the Court has not given a final verdict in I.A.No.2 of 2023. It is also submitted that the case is adjourned to 24.04.2023 for final arguments. The relevancy and proof of the documents can be gone into at that stage. There is no merits in the present Civil Revision Petition.

4. I have considered the arguments of the learned counsel for the petitioner and the learned Senior counsel for the respondent.

5. The Rent Tribunal can allow the documents at any stage of the proceedings in an Appeal before the Forum. The only restriction under Section 38 (3) of the Tamil Nadu Regulations of Rights and Responsibilities of Landlords and Tenants Act, 2017 is that this facility for filing the Application for marking / introducing the additional documents is available only once during the hearing. The Tribunal has to pass orders exercising discretion during the pendency of the Appeal as it may deem fit. In this case, the Tribunal has not yet exercised the discretion vested with it under Section 38 (3) of the Tamil Nadu



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Regulations of Rights and Responsibilities of Landlords and Tenants Act, 2017. It has deferred the enquiry in I.A.No.2 of 2023.

6. In my view, there is no merits in the present Civil Revision Petition as the rights of the petitioner have not been foreclosed by the Rent Tribunal in the impugned Docket Order dated 31.03.2023. The petitioner can persuade the Rent Tribunal to allow the petition to include additional documents subject to the proof and relevancy as has been accepted by the respondent / landlord. The Civil Revision Petition is therefore liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

18.04.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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C.SARAVANAN, J.

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