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C.R.P.No.881of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Civil Revision Petition No.881 of 2024
and
Civil Miscellaneous Petition No.4360 of 2024

S. Ramalingam	...	Petitioner
	Vs	
D. Vasanthi	...	Respondent

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India to set-aside the fair and decreetal order dated 05.01.2024 made in M.P.No.1 of 2023 in RLTOP No.10/2020 on the file of the Principal District Munsif at Alandur.

For Petitioner	: Mr S. Mohana Sundara Rajan
For respondent	: Mr. K.Sivasubramanian

ORDER

The present Civil Revision Petition has been filed to set aside the fair and decreetal order dated 05.01.2024 made in M.P.No.1 of 2023 in RLTOP No.10/2020 on the file of Principal District Munsif at Alandur.

2. The respondent/landlady had filed RLOP No.10 of 2020 under



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Section 21(2)(g)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 on the file of the Principal District Munsif/Rent Court at Alandur for eviction on the ground of her own use and occupation. After the lapse of three years, the respondent herein filed a petition in M.P.No.1 of 2023 to amend the provision and prayer in the application as under Section 21(2)(a) of the Act, which was allowed by the Rent Court on 05.01.2024. Aggrieved over the same, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the eviction petition was filed in the year 2020, however, very belatedly, the amendment petition was filed in the year 2023 and there was no pleading in the eviction petition about the basic requirement of under Section 4(2) of the Act and seeks to allow the Civil Revision Petition.

4. The learned counsel appearing for the respondent supported the impugned order and contended that at the time of filing the RLTOP, in the year



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2020, there was a confusion with regard to applicability of provisions under the new Act and by mistakenly, she filed the petition under Section 21(2)(g)(a) of the Act. The petitioner/tenant himself agreed in his counter that after 2016 there is no written rental agreement entered into between them and hence prays to dismiss the Civil Revision Petition.

5. I have considered the matter in the light of the submissions made by the learned counsel on both sides and perused the material available on record.

6. The respondent/landlady had filed RLTOP No.10 of 2020 against the petitioner/tenant for eviction on the ground of her own use and occupation under Section 21(2)(g)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. Thereafter, belatedly, she filed a petition in M.P.No.1 of 2023 under Section 35(1)(J) of the Act to per her to amend the provision and prayer in the application as under Section 21(2)(a) of the Act, which was allowed by the Rent Court by passing the impugned order dated 05.01.2024. Aggrieved over the same, the present revision has been filed.



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7. On perusal of the RLTOP No.10/2020, the prayer column 10 reads as follows:

“ 10. The applicant therefore humbly prays that this Hon'ble Court may be pleased to direct the eviction of the respondent from the petition premises on the grounds of applicant's own use and occupation and the respondent did not come forward to enter and register rental agreement before rental authority under Section 21(2)(g)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 and pass such further or other orders this Hon'ble Court deems fit and proper and thus render justice”

From the above, it is noticed that the respondent did not come forward to enter and register the rental agreement before the rental authority.

8. In view of the amendment of the provision, no prejudice will be caused to the petitioner/tenant. The petitioner/tenant himself admitted in his counter that the tenacy was before the commencement of the New Act.



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Therefore, I find no infirmity in the impugned order and there is no ground for interference and no merit in this revision and hence, it is liable to be dismissed.

9. Accordingly, this Civil Revision Petition is dismissed. The petitioner is at liberty to raise all his defence before the Rent Court. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2024

Index: yes/no
Internet:yes/no
mrp

To

The Principal District Munsif ,
Principal District Court,
Alandur



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V. SIVAGNANAM, J.

mrp

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