



CRP.No.1687 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.1687 of 2022

1.S.Ramu
2.S.Baskaran
3.G.Sudhakar
4.S.Dwarakanathan

...Petitioners

Vs.

K.Munusamy

...Respondent

Prayer: Civil Revision Petition filed under Section 227 of the Constitution of India, against the fair and decreetal order dated 10.01.2022 passed in I.A.No.6 of 2021 by the Principal District Munsif Court, Tindivanam.

For Petitioners : Mr.T.Dhanasekaran

For Respondent : Mr.Om Sai Ram

ORDER

Challenge in this revision is to the order of the Rent Court constituted under the Tamil Nadu Regulations of Rights and Responsibilities of Landlords and Tenants Act, 2017 (herein after referred as the Act), rejecting



an application filed by the petitioner seeking determination of the jurisdictional issue as a preliminary issue under Order 14, Rule 2 of C.P.C., and to reject the petition in RLTOP.No.1 of 2021 as not within its jurisdiction.

2.I have heard Mr.T.Dhanasekaran, learned counsel for the petitioners and Mr.Om Sai Ram, learned counsel for the respondent.

3.Mr.T.Dhanasekaran, learned counsel for the appearing for the petitioners would submit that the learned Rent Court was not right in dismissing the application on the ground that Order 14, Rule 2 would not apply to a Rent Court, which is a *persona designata* created under the Act. He would also submit that since there is no written agreement between the petitioners and the respondent, the Rent Court does not have jurisdiction to entertain the eviction proceedings.

4.A perusal of the order of the Rent Court shows that the Rent Court had dismissed the application on the ground that Order 14 will not apply to the Rent Court and that the question of jurisdiction will have to be decided along with the main proceeding only. Taking exception to the conclusion of the Rent Court, the learned counsel for the petitioners would contend that if there is no relationship of landlord and tenant, the Rent Court may not have jurisdiction. Therefore, such jurisdictional issue must be decided upfront

2/4



before the parties go to trial. No doubt, the said submission of the learned counsel is very attractive. Unfortunately, for him there is no provision in the enactment under which, the Rent Courts are constituted, enabling the Rent Courts to decide the issue of jurisdiction as a preliminary issue.

5.In fact, the provisions of the C.P.C., will not apply to the Rent Court and the Rent Court is free to evolve its own procedure. A split trial is not contemplated under the Act. If an objection is taken as to jurisdiction of the Court, the Rent Court will have to decide it only along with other issues after trial is complete. In the absence of any provision of the Act, which enables the Rent Court to decide an issue as a preliminary issue, I do not think the Rent Court can be faulted for dismissing the application. I do not see any reason to interfere with the said order. This Civil Revision Petition therefore, fails and it is accordingly, **dismissed**. No costs.

19.01.2024

kkn

Internet:Yes

Index:No

Speaking

Nuetral Citation :No



WEB COPY



CRP.No.1687 of 2

R.SUBRAMANIAN, J.

KKN

To:-

The Principal District Munsif Court,
Tindivanam.

C.R.P.No.1687 of 2022

19.01.2024

4/4