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C.R.P.No.1269 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

**C.R.P.No.1269 of 2024**  
**and C.M.P.No.6710 of 2024**

D.Bagiyalakshmi

... Petitioner

Vs

P.Muthukutty

... Respondent

**PRAYER:-** Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decree passed in M.P.No.8 of 2023 in RLTOP No.278 of 2019, dated 14.02.2024, on the file of XVI Small Causes Court, Madras.

For Petitioner : Mr.T.I.Ramanathan

For Respondent : M/s.Manoj Sreevalsan

**ORDER**

The petitioner/respondent in RLTOP No.278 of 2019 filed M.P.No.8 of 2023 to recall PW-2 Mr.Manavalan for the purpose of cross examination on the file of the XVI Small Court, Madras and the same was dismissed by order dated 14.02.2024. Against which the

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present Revision.

2. The contention of the petitioner is that the respondent herein filed a petition for eviction on the ground of willful default, owner of the possession and failure on the part of the petitioner to execute the tenancy agreement under Section 22(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act 2017. The further contention of the petitioner is that in RLTOP No.278 of 2019, three witnesses examined as PW-1 is the respondent, PW-2 is one Mr.Manavalan and PW-3 is wife of PW-1 and the petitioner needs to cross examine PW-2 for the reason that PW-2 earlier filed RLTOP No.344 of 2022, against the petitioner for eviction and the same later withdrawn. Further, he also claims to have sent a legal notice dated 05.11.20221 for this aspect, he needs to cross examine. Therefore, she filed M.P.No.8 of 2023 and the same dismissed by the Trial Court.

3. The learned counsel appearing for the respondent submitted

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that the case of the respondent is that one Mr.Manavalan was the erstwhile owner of the property in which the petitioner was a tenant. This property was sold to the respondent on 12.09.2018 and it is the specific case of the Manavalan is that he had sold the property to the respondent herein prior to that the petitioner was a tenant in Old No.39, New No.119, Mambalam Road, West Mambalam, Chennai -33 measuring to an extent of 600 sq.ft., and the petitioner had entered into the rental agreement on 01.09.2015 and at that time, he was a tenant under him. There was some arrears of rent, hence he filed a petition in RLTOP No.344 of 2022 and thereafter, the same withdrawn, which in his evidence he had clearly confirmed about the sale of the property to the petitioner sending legal notice through his Advocate M.G.Sridharan on 05.11.2021 to the petitioner. For the purpose of deciding the issue in the present RLTOP No.278 of 2019, nothing more is required.

4. In view of the same, the Trial Court dismissed the same. Considering the submissions of the learned counsels appearing on

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either side, this Court finds that it is clear that Mr.Manavalan, PW-2, sold the property to the petitioner on 12.09.2018 and reason for withdrawal of RLTOP No.344 of 2022, by Manavalan is not a fact which is required to be decided the present case. Further this Court finds on the facts of the case to recall and cross examination of PW-2 is not required, which has been rightly recorded by the Trial Court. Further, RLTOP No.278 of 2019 is of the year 2019, as per the new Regulation, it is a summary procedure, which has to be decided without any delay.

5. In view of the same, this Court directs the Trial Court to dispose of the proceedings in RLTOP No.278 of 2019 within a period of two months from the date of receipt of a copy of this order.

6. For the foregoing reasons and findings, this Civil Revision Petition is dismissed. However, there shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

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**M.NIRMAL KUMAR,J.**

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To

The XVI Small Causes Court, Chennai

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