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C.R.P.No.1548 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.1548 of 2024
and C.M.P.No.8307 of 2024

P.K.Kamalesh

... Petitioner

-Vs-

1.R.Vasuki

2.Bhavani

3.Yamunavathi

4.V.Shanthi

5.Minor V.Kevin Sanjith

... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the order passed in M.P.No.2 of 2023 in R.L.T.O.P.No.19 of 2023 on the file of the XIV Small Causes Court, Chennai dated 21.02.2024.

For Petitioner : Mr.V.Karnan

ORDER

This revision is against the order passed in M.P.No.2 of 2023 in R.L.T.O.P.No.19 of 2023 on the file of the XIV Small Causes Court, Chennai dated 21.02.2024.

2. M.P.No.2 of 2023 was filed under Section 36(1)(c) and 36(2) of the Tamil Nadu Regulation of Rights and Responsibilities of the Landlord and Tenants Act of 2017. This is an application for cross examination of



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the respondent. The R.L.T.O.P. itself has been filed on the grounds of Section 21(2)(a) ie., to say there is no agreement between the petitioner and the respondent after the coming into force of the Act in 2017. For the purpose of avoiding the application of Section 21(2)(a), the petitioner has to prove that there is an agreement. In this case, it is not the case of the petitioner that there is an agreement after coming into force of the Act. The learned trial Judge dismissed the application on the ground it is a summary proceeding and also on the ground that it is a petition filed under Section 21(2)(a).

3. Learned counsel for the petitioner submits that there is no such relationship between the landlord and tenant. Therefore, an opportunity should be granted to him to cross examine the respondent landlord. It is the duty of the landlord to prove the existence of jural relationship and then rely upon Section 4(2) read with Section 21(2)(a). In case, the jural relationship is not proved, the rent controller will not have jurisdiction to proceed further.

4. In an application under Section 21(2)(a), the burden is on the landlord to prove that there is no agreement between the landlord and the tenant. The payment vouchers by the tenant to the previous owner Padmavathi does not improve the case of the petitioner in this case. The



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learned trial Judge has rightly appreciated the position of law as laid down by this Court in ***J.Thennarasu -vs- Anitha Nalliah in C.R.P.(PD) Nos.2532 of 2021 etc., dated 05.08.2022.***

5. I do not find any reason to interfere with the order of the learned trial Judge. The civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

12.04.2024

Index : Yes/No
Neutral Citation : Yes/No
KST

To

The Judge
XIV Court of Small Causes
Chennai.



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V. LAKSHMINARAYANAN, J.

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