



C.R.P.No.1817 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1817 of 2024

P.Kabali

... Petitioner

Vs.

R.Ravikumar

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to issue a direction to the learned XIV Small Causes Judge, Chennai to dispose of the RLTOP.No.747 of 2022 on the file of the XIV Small Causes Court, Chennai within a time frame as may be fixed by this Court.

For Petitioner : Ms.S.Aswini

For Respondent : Mr.K.Manikandan

ORDER

The petitioner/landlord filed RLTOP.No.747 of 2022 before the learned XIV Small Causes Court at Chennai to direct the respondent/tenant to quit and deliver vacant possession of the premises leased out to the respondent and other consequential reliefs. Since the case is pending from



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the year 2022, the petitioner filed this civil revision petition seeking speedy disposal.

2.The learned counsel for the petitioner submitted that the petitioner is a senior citizen aged about 72 years and he is residing at 4th Street, Krishna Nagar, Virugambakkam, Chennai. He is owner of property situated at No.198/1,4th Cross Street, Natesan Nagar, Virugambakkam, Chennai. The first hearing in RLTOP.No.747 of 2022 came up on 30.11.2022. During the course of the proceedings, the petitioner noticed that Section 21(2)(g) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (In short 'the Act') was omitted *vide* amendment to the Act, dated 22.04.2022. Therefore, in view of the same, it was just and necessary for amendment. Hence, the petitioner filed amendment petition in M.P.No.1 of 2023 but still now no order passed. Due to which, the case in RLTOP.No.747 of 2022 kept pending without any progress which defeats the purpose of the Act. She further submitted that in this case, the respondent not paid any rent to the petitioner since October 2022. The petitioner is a senior citizen having age related health ailments. For his medical expense and other expenses, he depends upon rental income.



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Though the amendment petition posted for orders on several hearings, till date no order passed. In the meanwhile, the respondent/tenant was set exparte on 29.08.2023 and he filed set aside petition, for which, the petitioner gave no objection.

3.The learned counsel for the petitioner further submitted that on 09.08.2023, 17.08.2023 & 24.08.2023 opportunity given to the respondent to file counter in M.P.No.1 of 2023 which he failed to do so. On 29.08.2023, the respondent set exparte in M.P.No.1 of 2023. Later, on 02.09.2023, counter filed by the respondent on 31.08.2023 returned for the reason that no set aside exparte petition filed. Petitioner side enquiry completed and M.P.No.1 of 2023 posted for orders on 11.09.2023. Thereafter, the case adjourned from 11.09.2023, 13.09.2023, 19.09.2023, 04.10.2023, 05.10.2023, 30.10.2023, 01.11.2023 and 15.11.2023 but no progress. On 28.11.2023, the petitioner gave no objection to set aside petition with a view that there need not be any further delay in deciding the amendment petition. From 14.12.2023 to 05.02.2024 for five hearings, opportunity given to the respondent to make submissions in M.P.No.1 of 2023. On 05.02.2024, yet another opportunity was given to the respondent to make submissions and



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the same was closed. On 13.02.2024, the petition to reopen the enquiry in M.P.No.1 of 2023 filed by the respondent. On 20.02.2024 & 27.02.2024, the petition to reopen filed by the respondent numbered as M.P.No.3 of 2024. The petitioner gave no objection to reopen the petition but with a condition that the enquiry to be conducted without delay. Despite the same, again adjournment granted in M.P.No.1 of 2023. On 06.03.2024, the respondent made submissions in amendment petition. On the same day, the respondent filed M.P.No.4 of 2024 under Section 45 of the Indian Evidence Act seeking for expert opinion, which is not proper. As per Section 36(1) of the Act, the proceedings to be conducted in a summary manner unless the Court finds that it is required for the purpose of cross examination or otherwise and thereafter the Court can pass appropriate orders. In this case, M.P.No.4 of 2024 is premature and it is not at all required, but the same has been taken on file, kept pending. Due to which, the case in RLTOP.No.747 of 2022 kept pending without any progress. She further submitted M.P.Nos.1 of 2023 and 4 of 2024 posted for orders on 09.07.2024. Hence, she sought for direction.

4.The learned counsel for the respondent submitted that he is only



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espousing the legal rights of his client and the respondent will not be a reason for any delay in future. The Court for its convenience periodically adjourning the case, for which, the respondent cannot be blamed. The respondent undertakes to cooperate with the trial in RLTOP.No.747 of 2022 to complete the case within the stipulated period. The respondent will not be a reason for any delay.

5.Considering the submissions and on perusal of the materials, this Court finds that the main case in RLTOP.No.747 of 2022 is kept pending for passing order in the amendment petition filed by the petitioner. Now M.P.Nos.1 of 2023 and 4 of 2024 posted for orders on 09.07.2024.

6.In view of the above, the learned XIV Small Causes Court at Chennai is directed to pass appropriate orders on M.P.Nos.1 of 2023 and 4 of 2024 on 09.07.2024 without any further adjournment and proceed with RLTOP.No.747 of 2022 and complete the same within a period of two months thereafter.

7.With the above direction, this civil revision petition stands disposed



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of. No costs.

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Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Index : Yes/No

Internet : Yes

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To

The XIV Small Causes Court,
Chennai.

Note: Issue Order Copy on 08.07.2024.



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M.NIRMAL KUMAR, J.

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