



C.R.P.No.2755 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2755 of 2024 and
C.M.P.No.14601 of 2024

Kavitha

... Petitioner

Vs.

1.G.Murali

2.Ambika Murali

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set-aside the order and decreetal order passed in RLTA.No.1 of 2023 dated 5.3.2024 on the file of the Subordinate Court at Ambattur.

For Petitioner : Mr.D.S.Ramesh
For Respondents : Mr.G.Veerapathiran

ORDER

The petitioner/tenant filed a petition under Section 34 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenant Act, 2017 before the learned District Munsif, Ambattur in MP.No.72 of 2021 in RLTOP.No.30 of 2021 to dismiss RLTOP.No.30 of 2021. The said petition



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was dismissed *vide* order, dated 23.01.2023. Challenging the same, the petitioner filed RLTA.No.1 of 2023 before the learned Subordinate Judge, Ambattur and the same was also dismissed *vide* impugned order, dated 05.03.2024. Against which, the present civil revision petition filed.

2.The respondents/landlords filed RLTOP.No.30 of 2021 against the petitioner/tenant for the reason that the petitioner committed willful default in payment of rental from December 2020 onwards and sought repossession of the property. The case projected against the petitioner is that the petitioner is a tenant in respect of the property bearing plot No.1175, 57th Street, T.V.S Colony, Anna Nagar West Extension, Chennai and running a business in the name of M/s.K.P.S Industries. The petitioner took the said place for tenancy on 03.12.2018 for a period of seven years and monthly rent of Rs.52,900/- from 03.12.2020 to 02.12.2021. The petitioner also paid Rs.6,00,000/- towards rental security. Thereafter, the terms of tenancy reduced into writing and the petitioner and respondents signed the same. From the month of December, 2020 onwards, the petitioner became defaulter. Hence, the respondents/landlords filed RLTOP.No.30 of 2021.



the petitioner was not willing to sign the tenancy agreement, due to force and pressure exerted the petitioner being a woman forced to sign. For that reason, the tenancy amount was withheld. He further submitted that even today the petitioner is ready to pay entire arrears of tenancy amount if the respondents come with correct version of tenancy agreement that the tenancy is for a period of ten years and temporary shed, water tank and machineries put up by the petitioner is accepted.

4.Referring to the judgment of this Court in “***S.Muruganantham v. J.Joseph*** reported in **2022 (2) CTC 291**”, the learned counsel for the petitioner submitted that as per flowchart shown in the decision, the written tenancy agreement which was subsisting after commencement of the Act not registered, in such cases based on the tenancy agreement only the case to be filed before the Civil Court and The Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenant Act, 2017 would not be applicable. In ***S.Muruganantham*** case, the decision of “***V.Manimegalai v. Selvaraj Kannan*** reported in **2019 (6) CTC 9**” approved. For this reason, the petitioner filed petition under Section 34 of The Tamil Nadu Regulation of



Rights and Responsibilities of Landlord and Tenant Act, 2017 to dismiss the RLTOP.No.30 of 2021. Though the learned District Munsif, Ambattur agreed the same, but given a finding that it cannot be done since there are other issues to be considered and the petitioner's contention can be considered only during trial. As against the dismissal, the petitioner preferred RLTA.No.1 of 2023 which again dismissed on the same ground directing the petitioner to participate in the trial and at the end of trial, the petitioner's contention can be decided, finally to consider the objection is a primary issued whether at all the petition is maintainable.

5.The learned counsel for the respondents submitted that even today, the respondents are ready to accept the petitioner's tenancy provided the rental agreement, dated 03.12.2018 is signed and acknowledged by the petitioner and the same is adhered to. As on date, the petitioner is due to the tune of Rs.28,21,154/-. If the arrears amount paid, the tenancy can be admitted and tenancy agreement can be registered as per rental agreement, dated 03.12.2018. He further submitted that in the rental agreement, what are all available in the schedule property recorded *i.e.*, shed constructed



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thereon with 2,500 sq.ft along with three phase power supply. Both the Courts below categorically held that the petitioner's contention can be decided only at the end of trial in RLTOP.No.30 of 2021 and Order 7 Rule XI of C.P.C cannot be invoked to dismiss the plaint at the threshold. The petitioner's contention is a matter for trial. Since it is only a summary trial, the same can be completed without any further delay.

6.Considering the submissions and on perusal of the materials, it is seen that the Courts below not rejected the petitioner's contention but observed that the petitioner's contention can be decided along with the other contention of the cases only during trial and not at the threshold. It is only a summary trial. In view of the same, this Court is not inclined to interfere with the impugned order, dated 05.03.2024 in RLTA.No.1 of 2023 passed by the learned Subordinate Judge, Ambattur and the same is hereby confirmed.

7.Accordingly, this civil revision petition stands dismissed. It is made clear that the observations made herein is only for limited purpose to dispose



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of the present revision. The learned District Munsif, Ambattur is directed to dispose of the case in RLTOP.No.30 of 2021 uninfluenced with the observation made herein and dispose of the same within a period of four months from the date of receipt of a copy of this order. The connected civil miscellaneous petition is closed. No costs.

31.07.2024

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Index: Yes/No

Internet: Yes

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To

1.The Subordinate Court,
Ambattur.

2.The District Munsif,
Ambattur.



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M.NIRMAL KUMAR, J.

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