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C.R.P. (PD) Nos.1779 & 1780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) Nos.1779 & 1780 of 2023

L.Mohammed Jahangeer

.. Petitioner in both CRPs

Versus

1. C.Sunandan

2.C.Kaliyan

3. C.Parannkusam

.. Respondents in both CRPs

Prayer : Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal Order passed by the XIV Court of Small Causes, Chennai dated 25.04.2023 in M.P.Nos.3 and 4 of 2023 in R.L.T.O.PNo.177 of 2022 .

For the Petitioner : Mr.A.Shaik Sulaiman [in both CRPs]

For the Respondents : Mr.K.P.Ashok [in both CRPs.]

COMMON ORDER



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These revisions arise against the orders passed by the learned XIV Small Causes Court in M.P.No.3 and 4 of 2023 in RLTOP No. 177 of 2022.

2. These petitions were filed for recalling the landlord for cross examination and to reopen the RLTOP for arguments. Originally when the RLTOP was presented, three grounds for eviction were invoked. They are :-

[i] Section 21[2] [a] of the TNRRRL Act – no tenancy agreement after the commencement of the Act

[ii] 21[2] [b] TNRRRL Act - willful default in payment of rents

[iii] Section 21 [2] [c] TNRRRL Act - unauthorisedly subletting the property by putting a third party in possession and

[iv] Section 23 of the TNRRRL Act.

In order to cross examine the landlord on the aspect of wilful default and subletting, petitions were filed to reopen and recall.

3. When these revisions are taken up for final disposal, Mr.K.P.Ashok, on instructions, submits before this Court that his client is not interested in pursuing these petitions in respect of 21 [2] [b], 21 [2] [c] and



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Section 23 of the TNRRRL Act . In other words the RLTOP No.177 of 2022 will be proceed only on the basis of 21 [2] [a] TNRRRL. He also states that he will file a memo to that effect before the lower Court. Since the basis for which the petition is filed does not exist any more, nothing survives for adjudication in these petitions.

4. Recording that the landlord confines his eviction petition only to Section 21 [2] [a] of TNRRRL Act, that the landlord is not going to proceed further on the other grounds, these Civil Revision Petitions are dismissed as infructuous. No costs.

20.08.2024

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Index : Yes / No
Internet: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

To

The XIV Judge, Court of Small Causes, Chennai.



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V.LAKSHMINARAYANAN, J.

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