



C.R.P. (NPD) No.2325 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.07.2024

CORAM :

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Civil Revision Petition (NPD) No. 2325 of 2024
and C.M.P.No.12215 of 2024

1.M/s Navin Sweets
Rep.by its Partners

2.Pramod Kumar Chandulal
Partner M/s Navin Sweets

3.Ashok Kumar
Partner M/s Navin Sweets

4.Sangeetha
Partner M/s Navin Sweets

.. Petitioners

Versus

1.J.Kalpasree

2.C.H.Sripriya Rao

.. Respondents

Prayer : Civil Revision Petition filed under Section 151 of CPC, to set aside the fair and decreetal order dated 04.04.2024 passed by the XIV Court of Small Causes, Chennai in M.P.No.1 of 2024 in R.L.T.O.P.No.338 of 2023.

For the Petitioners : Mr.Ravichandran Sundaresan



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ORDER

The petitioners are tenants under the respondents. They filed a petition in M.P.No.1 of 2024 in R.L.T.O.P.No.338 of 2023, to adduce oral evidence in the above RLTOP under Sections 36 and 37 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (hereinafter referred to as 'the Act'). The Trial Court by an order dated 04.04.2024 dismissed the said petition, against which, the present Civil Revision Petition has been filed.

2. The contention of the petitioners is that the petitioners are originally tenants under one Adhanki Satyanarayana, who inducted them as tenants in the schedule premises, under two different tenancies, viz., two shops situated at ground floor and a residential portion in the second floor. It is further submitted that earlier the respondents have filed two R.C.O.P's. In R.C.O.P.No.1269 of 2018, they sought to fix fair rent in respect of the shops on the ground floor and in R.C.O.P.No.1297 of 2018, they sought to fix fair rent in respect of 2nd floor residential portion. Now, the respondents by clubbing two different tenancies, filed a petition against the petitioners is not



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maintainable and liable to be dismissed. He further disputed the rental receipts filed by the respondents before the Court below as fabricated and there is no single tenancy at all for the subject premises. Therefore, to elucidate the said facts and also to speak about the same, the petitioners need to adduce oral evidence in the above said RLTOP.

3. Heard the learned counsel for the petitioner and perused the material records of the case.

4. Considering the submissions and on perusal of the materials, it is seen that the petitioner is a tenant under the respondents is not in dispute. It is only with regard to clubbing of two different tenancies, viz., residential and non-residential, in single RLTOP whether it is maintainable or not. As seen in the impugned order, the respondents/landlords contention is that though the ground floor is let out for commercial purpose and 2nd floor was let out for residential purpose, the tenants are paying the rents together for the entire portion as a whole and it is not paid in parts for each tenancy separately. For that reason only, receipts have been produced. Further, right from the inception of tenancy, the petitioners have been paying the rent together. Before the Trial Court, the petitioners have also filed their written statement.



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5. The Trial Court on considering the submissions of the petitioners as well as the respondents found that the petitioners were inducted as tenants for two separate portions of the property, in which one is at the ground floor and the other one is situated in the 2nd floor. The tenancy is not disputed. As per the new Act, it is confirmed that there is no written agreement between the petitioners and the respondents and hence, the respondents had filed a petition under Section 21 (2) (a) of the Act. Thus, in order to decide the facts narrated above, there is no necessity for adducing oral evidence.

6. Hence, this Court finds no reason to interfere with the order dated 04.04.2024 passed by the learned XIV Judge, XIV Court of Small Causes, Chennai in M.P.No.1 of 2024 in R.L.T.O.P.No.338 of 2023 and accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Internet: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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To
The XIV Judge
XIV Court of Small Causes, Chennai.



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M.NIRMAL KUMAR, J.,

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