



CRP No.4108 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

CRP No.4108 of 2024 &
CMP.No.22571 of 2024

S.Jethu Singh : Petitioner

versus

K.M.Allaudhin : Respondent

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 23.07.2024 passed in MP.No.3 of 2023 in RLTOP.No.120 of 2020 on the file of the XIV Court of Small Causes, Chennai.

For Petitioner : Mr.S.Mukund, Senior Counsel,
for Mr.N.Paul Sunder Singh

ORDER

This civil revision petitioner has been arrayed as a tenant in RLTOP.No.120 of 2020. The landlord originally filed the said petition under



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allowed the amendment application permitting the landlord to raise an additional ground under Section 21(2)(a) of the said Act.

5. An amendment application can be allowed, if it does not change the basic frame work of the proceeding. The grace period of 575 days granted from the date of notification of the Rent Control Act has expired pending the RLTOP proceeding. In fact, the landlord could have filed a fresh petition under Section 21(2)(a) of the said legislation. The purpose of allowing an amendment application is to avoid multiplicity of proceedings.

6. The plea of Mr.S.Mukund that there is no relationship of landlord and tenant would still be open to the civil revision petitioner to be raised at the time of trial. In fact, the Hon'ble Mr.Justice N.Seshasayee in ***J.Thennarasu v. Anita Nalliah, (2022) 6 Mad LJ 271*** has held that where there is a denial of relationship of landlord and tenant, the court should normally grant a right to the tenant to let in evidence in order to substantiate his case.



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7. As the amendment does not change the basic framework of the proceeding, I do not find any error in the order of the learned Rent Controller. The civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Orders/Non Speaking orders
Neutral Citation : Yes/No



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To

The XIV Court of Small Causes,
Chennai.



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V.LAKSHMINARAYANAN, J.

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