



C.R.P.No.4533 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.4533 of 2024
and C.M.P.No.25257 of 2024

Piyush Sethia

... Petitioner

-Vs-

Asha Kumari

... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India against the fair and decreetal order in I.A.No.1 of 2021 in R.L.T.O.P.No.33 of 2020 dated 04.03.2022 by the Rent Court, Salem / Principal District Munsif, Salem.

For Petitioner : Ms.J.Prithivi

ORDER

This Civil Revision Petition arises against the order passed by the Rent Court at Salem in I.A.No.1 of 2021 in RLTOP No.33 of 2020 dated 04.03.2022.

2. The Civil Revision Petitioner is the tenant and the respondent is the landlord. The landlord invoked the Tamil Nadu Regulation of Rights and Responsibilities of Tenants Act, 2017 (hereinafter referred to as 'TNRRLT Act') and presented a petition under Section 21(2)(a), 21(2)(b), 21(2)(d) and 21(2)(g). When the petition was originally presented, the TNRRLT Act spoke about the difference



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between the agreed rent and the fair rent as a ground. Subsequently, the legislature amended the provision making it clear that if no agreement is entered into between the parties in terms of Section 4 of the Act read with Section 2(a) then, the landlord is entitled to invoke Section 21(2)(a) of the Act. Taking advantage of the amended provision, the landlord had filed an application for including a new ground for eviction. This was resisted by the tenant stating that it changes the cause of action and therefore, it ought not to be ordered. The learned Rent Controller had allowed the amendment application. Hence this revision.

3. Heard Ms.J.Prithivi for the civil revision petitioner.

4. Ms.Prithivi pleads that by virtue of the amendment, the very basis of the petition stands altered. She pleads that the application is belated as the tenancy had expired as early as on 31.01.2019 and the petition for amendment came to be filed only in 2021. Therefore, she argues that the order impugned deserves to be revised.

5. I have carefully considered the submissions made by Ms.Prithivi.

6. There is no dispute in the relationship between the parties. The Tamil Nadu Legislature has amended the provision relating to eviction. The landlord is



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merely taking advantage of the amendment. It matters not, whether the tenancy expired on 31.01.2019, or thereafter. It is for the Rent Controller to decide whether the head on which the petition has been filed is entertainable or not. By virtue of the impugned order, all that the learned Judge has done is, permitting the landlord to include additional grounds of eviction which the landlord is even otherwise entitled to. It neither changes the cause of action nor does it change the frame of the suit. In any event, both the parties are aware of the case that is being projected before the Court, which implies that the tenant is not taken by surprise. Furthermore, the Rent Court is not bound by the provisions of amendment as found under Order VI Rule 17, that applies to Civil Courts. Even post the amendment, the petition continues to be one for eviction. That being the position, I find no necessity to interfere with the order impugned. The Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral Citation : Yes/No
KST

To

The Rent Court, Salem /
Principal District Munsif,
Salem.



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V. LAKSHMINARAYANAN, J.

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