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C.R.P.(PD).Nos.4579 to 4583 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).Nos.4579 to 4583 of 2024

and

C.M.P.Nos.25492, 25497, 25498, 25503 & 25519 of 2024

C.R.P.No.4579 of 2024:

M/s. Sonal Fashion Jewellery
Rep.byAnkit Babel,
Shop No.14, New No.131
Ground Floor, Sir Thiyagaraya road,
T.Nagar, Chennai – 600 017.

... Petitioner

..Vs..

Shri Rajasthani Samaj
Represented by its Secretary,
No.131 (Old No.66)
Sir Thyagaraya Road,
T.Nagar, Chennai – 600 017.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 01.10.2024 in M.P.No.7 of 2024 in R.L.T.O.P.No.728 of 2022, on the file of the X Small Causes Court, Chennai by allowing the present Civil Revision Petition.



C.R.P.(PD).Nos.4579 to 4583 of 2024

C.R.P.No.4580 of 2024:

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M/s. Rupali NX
Represented by
Sri Rajiv K.Shah
Shop No.1A, New No.131,
Sir Thyagaraya Road,
T.Nagar, Chennai – 600 017.

... Petitioner

..Vs..

Shri Rajasthani Samaj
Represented by its Secretary,
No.131 (Old No.66)
Sir Thyagaraya Road,
T.Nagar, Chennai – 600 017.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 01.10.2024 in M.P.No.5 of 2024 in R.L.T.O.P.No.719 of 2022, on the file of the X Small Causes Court, Chennai by allowing the present Civil Revision Petition.

C.R.P.No.4581 of 2024:

M/s. Kings Collections
Mrs.Maya P.Shah (Deceased) Rep by her son Chetan P.Shah
Shop No.5, New No.131
Ground Floor, Sir Thyagaraya Road,
T.Nagar, Chennai – 600 017.

... Petitioner

..Vs..

Shri Rajasthani Samaj
Represented by its Secretary,
No.131 (Old No.66)
Sir Thyagaraya Road,
T.Nagar, Chennai – 600 017.

... Respondent



C.R.P.(PD).Nos.4579 to 4583 of 2024

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 01.10.2024 in M.P.No.5 of 2024 in R.L.T.O.P.No.724 of 2022, on the file of the X Small Causes Court, Chennai by allowing the present Civil Revision Petition.

C.R.P.No.4582 of 2024:

M/s. Shanthi Dance Costumes

Represented by its Proprietor Mr.G.Sundarajan,

No.131 (Old No.66) Shop No.10,

Sir Thyagaraya Road,

T.Nagar, Chennai – 600 017.

... Petitioner

..Vs..

Shri Rajasthani Samaj

Represented by its Secretary,

No.131 (Old No.66)

Sir Thyagaraya Road,

T.Nagar, Chennai – 600 017.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 01.10.2024 in M.P.No.5 of 2024 in R.L.T.O.P.No.725 of 2022, on the file of the X Small Causes Court, Chennai by allowing the present Civil Revision Petition.

C.R.P.No.4583 of 2024:

M/s. Diya Collections

Represented by its Proprietor Chetan P.Shah

Shop No.9, New No.131

Ground Floor, Sir Thyagaraya Road,

T.Nagar, Chennai – 600 017.

... Petitioner

..Vs..



C.R.P.(PD).Nos.4579 to 4583 of 2024

Shri Rajasthani Samaj
Represented by its Secretary,
No.131 (Old No.66)
Sir Thiyagaraya Road,
T.Nagar, Chennai – 600 017.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 01.10.2024 in M.P.No.5 of 2024 in R.L.T.O.P.No.722 of 2022, on the file of the X Small Causes Court, Chennai by allowing the present Civil Revision Petition.

For Petitioner in all CRPs : Mr.B.Maheswaran

COMMON ORDER

These Civil Revision Petitions challenge the order dated 01.10.2024 passed by the X Court of Small Causes, Chennai in M.P.No.5 of 2024 in R.L.T.O.P. Nos.719 of 2022, 724 of 2022, 735 of 2022, 722 of 2022 and M.P.No.7 of 2024 in R.L.T.O.P.No.728 of 2022.

2. All the aforesaid R.L.T.O.Ps have been initiated by the respondent herein.

3. There is no dispute in the relationship of landlord and tenant. The petition was filed by the landlord invoking Section 21(2)(a) of The Tamil



C.R.P.(PD).Nos.4579 to 4583 of 2024

Nadu Regulation of Rights and Responsibilities of Landlord and Tenants Act, 2017.

4. The respondents entered appearance and filed a detailed counter.

5. The matter has been heard.

6. At this stage, the tenants filed M.P.No.5 of 2024 and M.P.No.7 of 2024. They wanted to mark a pendrive, which would give proof of “Pagadi” deposit made by them to the landlord.

7. The learned Rent Controller dismissed the said petition stating the question of “Pagadi” cannot be gone into in an R.L.T.O.P proceeding. Therefore, it found that the request for evidence was unnecessary and the petitions were dismissed. Hence, the Civil Revision Petitions.

8. Heard Mr.B.Maheswaran for the civil revision petitioner.

9. Mr.B.Maheswaran pleads that atleast two decades ago, several Lakhs of Rupees had been given as “Pagadi” to the respondent/landlords and without accounting for the same, they had presented the R.L.T.O.P



petitions. He urges that, pending the litigation, the landlord and tenants have reached an agreement to pay the enhanced rent. However, but the landlords are refusing to accept the “Pagadi” amount that the petitioners have paid as part of the new agreement. He states that, unless and until, the tenants are permitted to introduce the records, to prove that “Pagadi” had been received by the landlord, they will be put to serious prejudice.

10. I have carefully considered the submissions of Mr.B.Maheswaran.

11. The Eviction Petitions have been filed on the ground of Section 21(2) (a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenants Act. Under the said provision, if no agreement has been entered into between the landlord and tenants in terms of Section 4(2) of the TNRRRLT Act, the landlord or the tenants can initiate proceedings to surrender possession of demised property. In such a proceeding, the question of going into the issues as to whether the tenant had paid “Pagadi” to the landlord and what is the amount, is absolutely irrelevant.



12. This is not a petition filed under Section 21(2) (b) of the TNRRRLT Act, i.e., under “willful default”. In case, the petition is filed for willful default, then, the tenant can plead that the excess amount is available with the landlord and therefore, default is not made out.

13. The only ground that the Court tests in a petition under Section 21(2)(a) of the said Act is whether there is in existence of an agreement. If there is no agreement, the guillotine of eviction has to fall on the head of the tenant. That being the position, I do not find any error in the order passed by the learned X Court of Small Causes in dismissing the petitions filed by the tenants, seeking to let in evidence.

14. The position of law with respect to the right of the tenant to let in evidence under Section 21(2) (a) of the Act, has been extensively discussed by my brother *Mr. Justice N. Seshasayee in Thennarasu vs. Anitha Nalliah, 2022 SCC Online Madras 5939 : 2022 (6) Madras LJ 271*. The learned Judge held that in a petition under Section 21(2)(a) of the Act, the Court would have to see as to whether the tenant projects an agreement and



if the landlord denies such an agreement. In such a case, the requirement of recording evidence would arise. He held that under the new Act, there is no question of the Rent Controller permitting cross examination, as a matter of right.

15. That being the position, since the records Mr.B.Maheswaran wants to introduce, are irrelevant to the facts of the case. I do not find any necessity to interfere with the order.

16. At this stage, Mr.B.Maheswaran pleads that the tenants are at high stage of entering into a fresh agreement with the landlord.

17. It is always open to the parties to enter into a fresh agreement and have it registered in terms of Section 4(2) of the said Act. This order will not stand in the way of the parties from entering into a new agreement.

18. Mr.B.Maheswaran also states that the learned Rent Controller has posted the matter “for arguments” tomorrow (19.11.2024) and that, he requires time to make submissions.



C.R.P.(PD).Nos.4579 to 4583 of 2024

19. Taking into consideration the plea of Mr.B.Maheswaran that he had been pursuing this revision and therefore, he is not ready to make submissions on the merits of the Eviction Petition, the learned Rent Controller, is requested to adjourn the matter to 25.11.2024, for the arguments of Mr.B.Maheswaran.

20. With the above observations and direction, these Civil Revision Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions stands closed.

18.11.2024

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Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No



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V.LAKSHMINARAYANAN, J.

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