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C.R.P.(PD).Nos.4808, 4810, 4811 & 4816 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).Nos.4808, 4810, 4811 & 4816 of 2024

and

C.M.P.Nos.26886, 26893, 26895 & 26904 of 2024

C.R.P.(PD).Nos.4808 & 4810 of 2024:

1.M.Pradeep

2.M.Naresh

.. Petitioners

Vs.

1.K.Sivanandham

2.Nadeem Sait

.. Respondents

Prayer in C.R.P.(PD).No.4808 of 2024: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the impugned order passed in I.A.No.1 of 2024 in R.L.T.O.P.No.4 of 2021 dated 30.09.2024 on the file of the Rent Controller at Udhagamandalam by allowing the present Civil Revision Petition.

Prayer in C.R.P.(PD).No.4810 of 2024: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the impugned order passed in I.A.No.2 of 2024 in R.L.T.O.P.No.4 of 2021 dated



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17.10.2024 on the file of the Rent Controller at Udhagamandalam by allowing the present Civil Revision Petition.

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C.R.P.(PD).Nos.4811 & 4816 of 2024:

Mohammed Kasim

.. Petitioner

Vs.

1.K.Sivanandham

2.Nadeem Sait

.. Respondents

Prayer in C.R.P.(PD).No.4811 of 2024: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the impugned order passed in I.A.No.2 of 2021 in R.L.T.O.P.No.2 of 2021 dated 17.10.2024 on the file of the Rent Controller at Udhagamandalam by allowing the present Civil Revision Petition.

Prayer in C.R.P.(PD).No.4816 of 2024: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the impugned order passed in I.A.No.1 of 2024 in R.L.T.O.P.No.2 of 2021 dated 30.09.2024 on the file of the Rent Controller at Udhagamandalam by allowing the present Civil Revision Petition.

(In all cases):

For Petitioners : Mr.Naveen Moorthy
for Ms.S.Varsha

COMMON ORDER



The landlord's petition for eviction under Section 21(2)(a), (2)(b) & (2)(c) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, came to be dismissed for default. To restore the same, he took out I.A.Nos.1 & 2 of 2024 in R.L.T.O.P.No.2 & 4 of 2021. The petitions were filed with a delay of about 457 days. Hence, an application under Section 5 of the Limitation Act was presented along with the application to restore the same. The said application, after a counter filed by the tenants, came to be allowed. These orders are being impugned in these revisions.

2.I heard Mr.Naveen Moorthy for the civil revision petitioners.

3.Mr.Naveen Moorthy, invites my attention to the impugned order, where the learned Judge has come to a conclusion that the plea of the landlord that, he was bed ridden and hence, was not in a position to appear before the Court, is unbelievable. He further points out that the learned Judge having come to the conclusion that the reason given is only a routine one, had proceeded to allow the petition. Therefore, he pleads that the orders requires to be interfered with.



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4.I have carefully considered the submissions of Mr.Naveen Moorthy.

5.It is not a case where the tenants are denying the relationship between the landlord and themselves. Further, it is not a case on account of the dismissal, some right have been fructified in the tenants. They continue to be tenants. No fresh agreement has been entered into between the landlord and tenants as per the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. In terms of Section 36 of the the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, a Rent Court is entitled to form its own procedure at the time of disposal of the Rent Control Petitions.

6.In fact, unlike the erstwhile Tamil Nadu Lease and Rent Control Act, there are no specific provisions under this legislation for the purpose of restoration. This is because, wide discretion has been given to the Rent Court to adopt a procedure, which is in compliance with the principles of Natural Justice.

7.Furthermore, the learned Trial Judge, who had the advantage of



having seen the parties during the course of the proceedings, has exercised his discretion and has condoned the delay. While I have my own reservations whether Section 5 of the Limitation Act is applicable to the rent control proceedings, I need not go into the issue in the present case. Unless and until the discretion that has been exercised in an arbitrary and capricious manner, this Court should not interfere with an order condoning the delay, since it is one done to ensure complete justice between the parties. Had the position of the civil revision petitioners changed from that of a tenant to any other capacity, I might have interfered. That not being the position, following the decision of the Supreme Court in *Balakrishnan Vs. M.Krishnamurthy, 1998 (7) SCC 123*, I am not inclined to interfere with the said order.

8.In the result, all these Civil Revision Petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

26.11.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

V.LAKSHMINARAYANAN, J.



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WEB COPY To

The Court of Rent Controller,
Udhagamandalam.

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