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CRP No.5010 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.5010 of 2023

Jothi Prakash

... Petitioner

Vs.

1.Mrs.Ajma Beevi

2.Mrs.Jessi Jeyaraj

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside fair and decreetal order in MP SR No.33007 of 2023 in RLTOP No.467 of 2022 dated 17.10.2023 on the file of the XV Small Causes Court, Channai.

For Petitioner

: Mr.Kamaraj
for Ms.K.Padmapriya



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ORDER

This Civil Revision Petition is filed to set aside fair and decreetal order in MP SR No.33007 of 2023 in RLTOP No.467 of 2022 dated 17.10.2023, on the file of the XV Small Causes Court, Chennai.

2. The petitioner is the second respondent, and the first respondent is the petitioner in RLTOP No.467 of 2022, on the file of the XV Small Causes Court at Chennai. The first respondent herein had filed the above RLTOP under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, (hereinafter referred to as the Act,) on the ground that the tenant failed to enter into an agreement under Section 4(2) as provided under Section 21(2)(a) of the Act. Pending RLTOP, the petitioner herein had filed a miscellaneous petition in MP Sr No.33007 of 2023, for a direction to the first respondent herein to produce the bank account statement of her Power Agent from the year 2020 to 2022 to prove that petitioner is a recognized tenant. The said miscellaneous



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petition was dismissed by the Trial Court on 10.11.2023, on the ground that RLTOP has been filed for want of written agreement between the parties. Therefore, direction to produce the bank account is not relevant. Aggrieved by the said order, the petitioner has filed the present civil revision petition.

3. Learned counsel for the petitioner submits that the petitioner has filed the miscellaneous petition seeking to produce the bank account statement to show that he has paid rent to the landlord. However, the Trial Court, without considering the contentions raised by the petitioner, has dismissed the said petition. Hence, the order passed by the Trial Court is liable to be set aside.

4. Heard the parties and perused the materials available on record.

5. The facts reveal that the first respondent/landlord has filed the



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petition for eviction under Section 21(2)(a) of the Act, on the ground that the petitioner/tenant has failed to enter into an agreement under Section 4(2) as provided under Section 21(2)(a) of the Act. Therefore, a direction to produce the bank account for proving that the petitioner is a recognized tenant is unsustainable. Therefore, there is no infirmity in the order passed by the Trial Court. There is no reason to interfere with the impugned order, as there is no merit in the revision. Hence, the civil revision petition is dismissed. There will be no order as to costs. Consequently, CMP No.29222 of 2023 is closed.

10.01.2024

Index: Yes/No
Internet: Yes/No
mrn

V.SIVAGNANAM, J.,

mrn



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