



WEB COPY

C.RP(MD)No.514 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**C.R.P(MD)No.514 of 2022
and
C.M.P(MD)No.2223 of 2022**

S.Vellaian

... Petitioner/Petitioner/Tenant

Vs.

S.Kannan

...Respondent/Respondent/
Landlord

Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.1 of 2021 in R.L.T.O.P.No.2 of 2019 dated 17.09.2021 on the file of the Rent Court, District Munsif, Sivakasi.

For Petitioner :Mr.H.Arumugam

For Respondent :Mr.T.Antony Arulraj

ORDER

The Civil Revision Petition arises out of the order dated 17.09.2021 in I.A.No.1 of 2021 in R.L.T.O.P.No.2 of 2019.



2.The petitioner/tenant had filed the above I.A to reject the petition filed in the above RLTOP on the ground that there is no written agreement which is entered into between the tenant and the landlord.

3.When the matter came up for hearing before this Court, the learned counsel for the petitioner would submit that already the said question has been referred to the Division Bench of this Court as to whether or not the RLTOP will be maintainable in the absence of a written argument and since there were two divergent views.

4.I have considered the said submissions and perused the material records of the case.

5.The legal question is already referred to the Division Bench of this Court. But as far as the present case is concerned, it is not as if the RLTOP itself is decided one way or the other. The trial Court has only said that the petition to reject the original petition need not be entertained at this stage and such a defence can be very well raised in the counter statement and the same can be decided at the time of deciding the RLTOP itself.



6.I am of the view that since the proceedings itself is summary in nature, such a view taken by the rent Court is a correct view and except in extraordinary circumstances, all other questions relating to the maintainability of the RLTOP can be taken in the counter statement itself and it can be decided together as the entire proceedings is of summary in nature and the act itself is designed in a way so as to provide a quick remedy to both parties.

7.In view thereof, leaving open the said contention to be raised by the petitioner in the counter statement and the said contention will be considered by the trial Court, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.07.2024

NCC:Yes/No

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To

1.The Rent Court,
District Munsif,
Sivakasi.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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