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C.R.P(MD)No.1407 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.07.2024

CORAM

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

C.R.P(MD)No.1407 of 2024

Mrs.Vanaja

... Petitioner/Petitioner

Vs.

Mr.S.Nazir Ussain

...Respondent/Defendant

Civil Revision Petition is filed under article 227 of the Constitution of India, to declare that I.A.No.1 of 2024 in RLTOP No.29 of 2023 on the file of the I Additional District Munsif/Rent Court at Madurai is not maintainable in the eye of law.

For Petitioner

:Mr.R.Raghaev

ORDER

The R.L.T.O.P.No.29 of 2023 is filed before the I Additional District Munsif/Rent Court, Madurai. The procedure to be adopted in Rent Control proceedings is only summary proceedings. Whatever the defence, the parties can take by way of filing counter affidavit, upon which, the Court can examine both side witnesses and then pass the order. But however, the respondent without defending the RLTOP, have filed I.A.No.1 of 2023, to



reject the petition. There is no provision as rejection of plaint. Yet the same can be resorted to an extraordinary case.

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2.Be that as it may, now the petitioner wants to strike off the said petition. If the said I.A is filed and the same is not not maintainable, the petitioner can raise the same by way of counter. Similarly, when the RLTOP is filed, the same can also be resisted by way of counter. The trial Court would look into the issue and pass orders therein expeditiously.

3.In view thereof, at this stage, the Civil Revision Petition is not entertained and the parties are entitled to redress their grievance before the trial Court. Accordingly, this Civil Revision Petition is dismissed. No costs.

03.07.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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To

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- 1.The Additional District Court,
Kuzhithurai,
Kanyakumari District,
at Nagercoil,
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)No.1407 of 2



D.BHARATHA CHAKRAVARTHY, J.

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**C.R.P(MD)No.1404 of 2024
and
C.M.P(MD)No.8361 of 2024**

03.07.2024