



C.RP(MD)No.1446 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 08.07.2024

CORAM

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

**C.R.P(MD)No.1446 of 2024
and
C.M.P(MD).No.8563 of 2024**

1.L.Balasubramanian
2.Tharakeswari

... Petitioners

Vs.

Bhuvaneswari

...Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 08.04.2024 made in I.A.No.1 of 2024 in RLTOP No.1 of 2023 on the file of the District Munsif Court, Paramakudi.

For Petitioners

:Ms.M.D.Devi Saravana Priya

ORDER

This civil revision petition is directed against the order passed by the learned District Munsif, Paramakudi, in I.A.No.1 of 2024 in RLTOP No.1 of 2023 dated 08.04.2024. The said petition is filed under Section 40(2) of the



C.RP(MD)No.1446 of 2024

Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 to dismiss RLTOP on the ground that the Tribunal had no jurisdiction. The contention of the petitioners is that there is no written agreement and in the absence of the written agreement, the RLTOP is not maintainable. The Trial Court dismissed the petition on the ground that the said question can also be considered at the time of trial.

2. Though the said Act makes it mandatory for the parties to produce a written agreement, in respect of the pre-existing tenancies, there is also a saving clause and therefore, whether the RLTOP is maintainable or not should be considered after hearing both sides and considering the contention of the petitioners on merits. The Trial Court did not foreclose the said defence, but has only hold that the same will also be considered along with all the other pleadings on merits at the trial. When the RLTOP proceedings itself are summary in nature, all the contentions can be raised by way of filing the counter statement and the Trial Court can objectively consider the same at the time of final disposal of the original petition.

3. In view there of, the petition to reject the original petition cannot be made when the issue requires detailed consideration. Therefore, finding no



C.RP(MD)No.1446 of 2024

merits, the Civil Revision Petition stands dismissed, however, with liberty to the petitioners to raise all the grounds raised in the Interlocutory Application as well as in the civil revision petition before the Trial Court and canvass the same at the time of trial. If the petitioners choose to, they can file an additional counter within two weeks from the date of receipt of the order and the same shall be received by the Trial Court. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

08.07.2024

NCC:Yes/No
Index:Yes/No
Rmk

To
1.The District Munsif Court, Paramakudi.
2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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C.RP(MD)No.1446 of 2024

D.BHARATHA CHAKRAVARTHY, J.

Rmk

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