



1

C.R.P.(MD)No.2156 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.2156 of 2024

1. Kanaga
2. Mariammal
3. Gomu

... Petitioners/ Plaintiffs

Vs.

1. Saravanan
2. Balaji

... Respondents/ Defendants

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order in O.S.SR.1632 of 2024 dated 06.06.2024 on the file of the District Munsif Court, Kovilpatti and number the suit.

For Petitioners : Mr.S.Ramesh

**ORDER**

WEB COPY

Heard the learned counsel appearing for the revision petitioners.

2. Issuance of notice to the respondents is dispensed with.

3. The revision petitioners herein figured as defendants 3 to 5 in O.S.No.5 of 2001 on the file of the Sub Court, Kovilpatti. It was a suit for specific performance. The suit was originally decreed on 25.09.2014. Aggrieved by the same, the revision petitioners and their mother Deivammal filed A.S.No.4 of 2015 on the file of II Additional District Court, Thoothukudi. The appeal was allowed on 10.03.2022. Aggrieved by the same, the plaintiffs in the suit have filed S.A.(MD)No.256 of 2022 before this Court. It is still pending.

4. In the suit property, there are number of defendants who were originally inducted by the revision petitioner's father Arunachalam Pillai. The revision petitioners filed OS SR No.1632 of 2024 on the file of the District Munsif Court, Kovilpatti for directing the tenants to deposit rents



WEB COPY

to the credit of the suit. The trial Court declined to number the suit on the ground that since the suit for specific performance is still pending at the stage of second appeal, the present suit cannot be entertained.

5. I am clearly of the view that the return made by the trial Court is not in order. The dispute is between the revision petitioners on the one hand and the agreement holder on the other. The tenants nowhere come in the picture. It is well settled that the tenants cannot question the title of the person who inducted them as tenants. The pendency of the suit for specific performance is irrelevant.

6. A doubt arose whether in view of the Tamil Nadu Regulation of Rights and responsibilities of the Landlords and Tenants Act 2017, the suit would be maintainable. It is true that Section 40 of the said Act contains a provision for ousting the jurisdiction of the civil Court. It specifically states that no civil Court shall entertain any suit or proceeding insofar as it relates to the provisions of the Act.



WEB COPY

7. But then in the aforesaid Act, there is provision only to enable the tenants to deposit the rents. There is no similar provision enabling the landlord to file application or petition. If the landlord seeks eviction of the tenants on the ground of willful default, IA can be filed for directing the tenants to deposit the rents under Section 25 of the Act. I am satisfied that the jurisdiction of the civil Court is not barred by the provisions of 2017 Act.

8. The revision petitioners are permitted to re-present the plaint. The Court below shall number the same subject to fulfilment of the other usual formalities. Registry is directed to return the original plaint to the learned counsel appearing for the petitioners. The impugned return is set aside. This civil revision petition is allowed. No costs.

11.09.2024

Index : yes/No
Internet: Yes/No
PMU



5

C.R.P.(MD)No.2156 of 2024

G.R.SWAMINATHAN,J.

PMU

To

The District Munsif,
Kovilpatti.

C.R.P.(MD).No.2156 of 2024

11.09.2024