



CRP(MD).No.2970 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2024

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN  
THILAKAVADI**

C.R.P(MD)No.2970 of 2024  
and  
C.M.P(MD)No.16969 of 2024

1.Adhi.Gopalan

2.G.Prabhu Kanna

... Petitioners

Vs.

1.Tharani

2. Ashok Kumar

3. Manoj Kumar

4. Harish Kumar

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 04.10.2024 passed in I.A.No.2 of 2023 in R.L.T.O.P.No.4 of 2022 on the file of the Rent Controller/District Munsif, Paramakudi, is liable to be set aside by allowing this Civil Revision Petition.



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For Petitioners

: Mr.V.Meenakshi Sundaram

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### **ORDER**

This Civil Revision Petition has been filed challenging the order dated 04.10.2024 passed in I.A.No.2 of 2023 in RLTOP No.4 of 2022 on the file of the Rent Controller/District Munsif, Paramakudi.

2. The facts of the case is that the petitioners are respondents in RLTOP No.4 of 2022 on the file of Rent Controller/District Munsif, Paramakudi. Pending the above OP, the petitioners herein have filed an application in I.A.No.2 of 2023 to reject the main eviction petition. The said petition is filed under Section 40(2) of New Rent Act r/w. Order 7 Rule 11 (a) & (d) of Civil Procedure Code. The main RLTOP No.4 of 2022 was filed by the respondents herein for eviction as against the petitioners herein. The respondents raised title to the petition mentioned property through a sale deed dated 18.05.2011 and the said application in I.A.No.2 of 2023 was filed on the ground that the petitioners were inducted as tenants by the original owner, namely, A.k.Narayanan Chettiyar, who executed a sale deed dated 09.02.1989 and according to the will, the



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petition property is allotted to his wife namely Vellammal. In such circumstances, the said A.K.Narayanan Chettiyar's son namely Gunasekaran attempted to demolish the petition scheduled property and in that circumstances the revision petitioners had filed a suit in O.S.No. 48/2011 for permanent injunction. In the said suit, the said Gunasekaran was impleaded as a second defendant therein. In the suit filed by the revision petitioner in O.S.No.48/2011, a specific issue was framed regarding title of the subsequent purchaser. The said suit was decreed in favour of the petitioners on 26.10.2013.

3. Further, the case of the petitioners is that in the previous eviction petition proceedings in RCOP No.02/2012 was dismissed as against the revision petitioners. In such circumstances, suppressing the above fact, the present eviction proceedings in RLTOP No.4 of 2022 was initiated as against the revision petitioners by the respondents. Hence, the revision petitioners were constrained to file an application in I.A.No. 2 of 2023 for rejection of the above petition under Section 40(2) of New Rent Act r/w. Order 7 Rule 11 of Civil Procedure Code. However, in the said petition, the petitioners have narrated the grounds for rejection of eviction petition on the ground that there are suppression of material fact and there is no



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relationship between the landlord and tenant as the purchaser Balasubramanian husband of the first respondent herein have no title whatsoever in the petition property. The said petition was resisted on the side of the respondents. The Rent Controller/District Munsif, Paramakudi, held that the petition cannot be rejected on the ground of suppression of facts under Order 7 Rule 11 of Civil Procedure Code and by observing so dismissed the application filed by the revision petitioner in I.A.No.2 of 2023 which is under challenge before this Court.

4. Before dwelling into the merits of the case, I would like to verify whether this revision petition is maintainable. This Court in C.R.P.No.4151 of 2022 and C.M.P.(MD)No.21677 of 2022 dated 15.12.2022, observed that the application under Order 7 Rule 11 of Civil Procedure Code cannot be entertained and that the CPC is in applicable to the proceedings under the New Act and therefore, under Order 7 Rule 11 of Civil Procedure Code is not maintainable. The observation made in the above revision petition is extracted hereunder:

*“7. The compliance of the rules of natural justice are to be regulated by the Rent Court and the Tribunals. The procedure for providing opportunity to the parties need not*



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*be lengthened unnecessarily, so as to dilute the purpose and object of Tamil Nadu Act, 42 of 2017. Under the guise of the principles of natural justice, no party should be allowed to prolong and protract the issues under Section 36 (1) of the Act. The Code of Civil Procedure is inapplicable to the proceedings under the New Act and therefore, an application under Order 7 Rule 11 is not entertainable. When the Code of Civil Procedure itself is not applicable, the Interlocutory Applications, if any, filed under the Code of Civil Procedure cannot be entertained and the Rent Court and Rent Tribunal are to regulate the proceedings in such a manner, so as to ensure that the cases are disposed of within the time limit contemplated under the Act itself. The filing of frivolous and unnecessary Interlocutory Applications repeatedly with a motive to drag the proceedings, at no circumstances, be encouraged by the Courts. If the Rent Court formed an opinion that such applications are frivolous in nature and filed to drag on the proceedings, then exemplary or maximum costs is to be imposed on such applications. Developing a practice of filing frivolous and unnecessary applications in order to increase the longevity of the litigation is to be looked into by the Courts concerned and all appropriate actions are to be initiated to dispose of such applications without causing undue delay. The Rent Courts and Tribunals are expected to be vigilant and conscious about the purpose and object of Tamil Nadu Act, 42 of 2017, while dealing with the tenant-landlord issues.*



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8. *In the event of prolongation, the purpose and object of the act would be defeated and again the age old procedure of prolongation will continue and such circumstances would result in losing of faith on the judicial system. Thus, the Rent Court, at no circumstances, entertain such applications, which are all non-maintainable or frivolous in nature or otherwise.*

9. *In the present case, the respondent filed an Interlocutory Application under Order 7 Rule 11 of C.P.C, which is not entertainable under Section 36 (1) of the Tamil Nadu Act 42 of 2017 and therefore, the Rent Court has to proceed with the main case by affording an opportunity to the parties to the litigation in compliance with the rules of the natural justice and accordingly, dispose of the RLTOP No.3 of 2021 within a period of 90 days from the date of receipt of copy of this order. However, taking note of the fact that the present RLTOP No.3 of 2021, pending for the past about one year, the trial Court is directed to dispose of the same within a period of 90 days from the date of receipt of copy of this Order.*

Therefore, the present revision is not maintainable under Article 227 of the Constitution of India. However, the merits of the case is left open to be decided in the main RLTOP.



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5. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No  
Internet : Yes/ No  
jbr

To

The Rent Controller/District Munsif, Paramakudi.



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**K. GOVINDARAJAN THILAKAVADI, J.,**

jbr

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