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CRP(PD).No.226 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.226 of 2025

and

C.M.P.No.1504 of 2025

M/s.Aishwarya Steels,
Rep. by its proprietor G.Senthilkumar
No.28/3, Thandavaraya Gramani Street,
First Floor, Tondaiarpet, Chennai - 600081

... Petitioner

Vs.

C.Baskaran

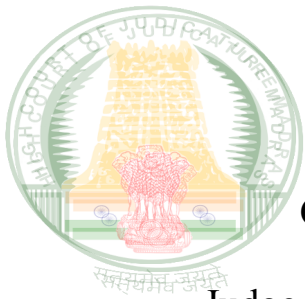
... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 07.01.2025 made in MP.SR.No.2026/2025 in RLTOP.No.299/2024 by the learned XIII Judge, Court of Small Causes, Chennai.

For Petitioner : M/s.K.Karthik Jagannath

For Respondent : M/s.V.Chandrakanthan

ORDER



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Challenging the order passed by the learned XIII Small Causes

Judge, Chennai in MP.SR.No.2026/2025 in RLTOP.No.299/20244,

the petitioner is before this Court.

2. The petitioner herein is the tenant and the respondent in the RLTOP had filed an application to reject the main RLTOP on the ground that the same is not maintainable. The petitioner/tenant would submit that the rental agreement between the parties had expired on 20 .01.2019 by efflux of time and the same had not been renewed. The petitioner's contention is that the respondent/landlord ought to have filed the RLTOP by 19.09.2020. However, the same has been filed on 28.06.2024 and therefore as per Section 21(2)(a) of TNRRRLT Act, the same is barred by limitation.

3. The learned Trial Judge without numbering the said application posted the same for maintainability and rejected the application on the ground that the provisions of Order 7 Rule 11 has no application in a Rent Control proceedings. That apart, the grounds raised by the petitioner/tenant have to be considered at the time of passing of the judgment. The said order has been passed without even



numbering the MP and without providing an opportunity to the petitioner to argue maintainability. Challenging the same, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner and perused the records.

5. A Court can reject a petition before numbering it if on a mere reading of the petition it is evident that the petition is barred by any law or it suffers from a procedural infirmity. At the stage of numbering, the Court is only discharging a ministerial function on the administrative side and therefore cannot undertake a roving enquiry.

6. A mere perusal of the impugned order would clearly show that the learned Trial Judge has dismissed the application on merits and without giving an opportunity to the petitioner to make out their case. Therefore, the impugned order is set aside, the learned XIII Judge, Court of Small Causes, Chennai is directed to number the MP and thereafter hearing both parties pass a speaking order thereon



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within a period of 3 weeks from the date of receipt of a copy of this order.

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7. Accordingly, the Civil Revision Petition is allowed. No costs.

Consequeuntly, the connected Miscellaneous Petition is closed.

05.03.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The XIII Judge, Court of Small Causes, Chennai.

P.T. ASHA. J.,

(shr)



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