

C.R.P. (PD) No.988 of 2025

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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 12.03.2025

CORAM:

THE HONOURABLE MS. JUSTICE P.T.ASHA

C.R.P. (PD) No.988 of 2025
and C.M.P.No.5639 of 2025

A.Thangamalai

...Petitioner

Vs

C.S.Sasidharan

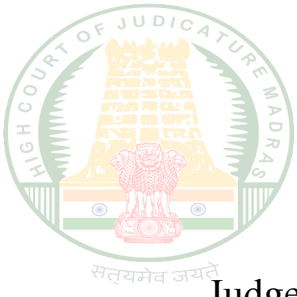
...Respondent

PRAYER: Civil Revision Petition filled under Article 227 of Constitution of India to aside the fair and decretal order in I.A.No.2 of 2024 in R.L.T.A.No.122 of 2024 on the file of the XX Additional District and Sessions Court at Allikulam, Chennai.

For Petitioner : Mr.A.Poornachandran

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned XX Additional District and Sessions

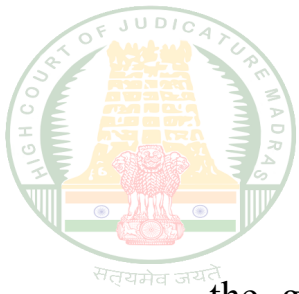


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Judge, Allikulam in I.A.No.2 of 2024 in R.L.T.A.122 of 2024 which is an application filed for stay of all further proceedings pursuant to the order dated 07.06.2024 in R.L.O.P.NO.115 of 2023 on the file of the XII Small Causes Court, Chennai.

2. It is the case of the petitioner herein that the respondent had filed R.L.O.P.No.115 of 2023 for eviction on the ground of non-payment of rent and the petition came to be partly allowed. He would submit that he is ready and willing to pay the rent but the respondent is refusing to receive the same. If at this juncture he is evicted from the tenanted premises by reason of the order in R.L.O.P.No.115 of 2023 he would suffer serious loss and hardship.

3. The respondent/landlord would submit that he had filed the petition on two grounds. One, on the ground of non-payment and the other on the ground that there is no agreement between the parties. He had not pressed the prayer with reference to eviction on



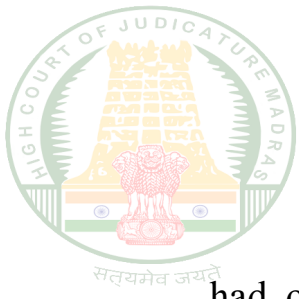
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the ground of non-payment of rent and the entire petition was contested only on the ground of there being no written lease agreement between the parties. After the summary trial and perusing the records and arguments of the parties, the Rent Court had ordered eviction. Therefore, the very premise on which the petition has been filed is faulty.

4. The learned XX Additional District and Sessions Judge, Allikulam had taken into consideration the above and rejected the request for stay against which the petitioner / tenant is now before this Court.

5. The only basis on which the stay is sought for is that eviction has been ordered on the ground of non-payment of rent and that he is in possession without any default in rent. Since the respondent is refusing to receive the rent, his possession should be protected. However, from the records, it is seen that the Rent Court



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had ordered eviction only on the ground that there is no written agreement between the parties. The trial Court has held as follows in paragraph No.10:

“10. Further, the legal notice of the petitioner shows that the petitioner has requested the respondent to enter into the tenancy agreement as mandated in the New Act. On bare perusal of Section 4(2) of TNRRRLT Act, 2017 it is clear that the landlord and tenant can invoke Section 21(2)(a) on failure to enter into agreement as per Section 4(2) of the Act. Admittedly the tenancy between the petitioner and the respondent was entered prior to the commencement of the Act and expired after the commencement of the Act. It is established that there is no rental agreement between the petitioner and the respondent after the commencement of the Act. On consideration of the facts put fourth before this court it can be seen that it is a clear case that the petitioner and the respondent had failed to enter into agreement as per Section 4(2) and the petitioner



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is entitled for repossession of the petition premises as per Section 21(2)(a) of the Act. This point is accordingly decided in favour of petitioner.”

Therefore, the very basis on which the stay is sought for is flawed and I see no reason to interfere with the order of the learned XX Additional District and Sessions Judge, Allikulam. Accordingly, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.03.2025

Index: yes/no

Speaking Order: Yes/No

srn

To

The XX Additional District and Sessions Judge,
Allikulam.



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P.T.ASHA, J.

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