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CRP.No.1785 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.1785 of 2025
and C.M.P.No.10306 of 2025

A.Karuppiah,
64/1, 64/2 & 64/3 Md.UsmanRoad,
T.Nagar, Chennai – 600 017.

... Petitioner

Vs.

1.Mrs.M.Aminath Rahma,
W/o.Ameer Hussain Farook,
Melatheru, Kilakarai,
Ramnad District.

2. Mrs. Hathijath Hammed Fathima,
64/2, Md.Usman Road,
T.Nagar, Chennai – 600 017.

3. Mrs.A.Mohamed Fahima,
New Door No.64, (Old Door No.57),
Sir Mohamed Usman Road,
T.Nagar, Chennai – 600 017.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decree passed in M.P.No.1 of 2025 in R.L.T.O.P.No.105 of 2024, dated 17.03.2025, on the file of the XII Small Causes Court, Chennai.

For Petitioner : Ms.A.Shanthi

For Respondents : Mr.M.I.Javid Akbar[R1 & R2]

ORDER



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The tenant has filed this revision petition, aggrieved by the dismissal order made in M.P.No.1 of 2025 in RLTOP.No.105 of 2024.

2. The petitioner had filed a said miscellaneous petition under Section 36 of TNRRRLT Act 42 of 2017, for permission to cross examine the landlords. The said application has been dismissed by the rent court and challenging the same, the present revision petition has been filed.

3. The learned counsel for the petitioner would submit that one Ameer Hussain Farook, the husband of the first landlord and the father of the second and third landlords, has been dealing with the revision petitioner and he has also entered into an agreement of lease. The learned counsel would further state that the petitioner had a subsisting lease upto 2023, which is after the commencement of TNRRRLT Act and only in order to establish the said factum and to negate the claim that there is a failure to enter into a tenancy agreement, the application is taken out and the Rent Court ought to have given an opportunity to the petitioner to cross-examine the landlord.

4. *Per contra*, Mr.M.I.Javid Akbar, learned counsel appearing for



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the respondents 1 and 2 would contend that the petitioner is now setting up a new case. Taking me through the counter statement before the Rent Court and the averments admitting the tenancy under the respondents, the learned counsel appearing for the respondents would submit that there was no reference to the fact that there was a subsisting lease upto August, 2023. The learned counsel therefore states that there is absolutely no infirmity in the order of the Rent Court, warranting interference under Article 227 of the Constitution of India.

5. I have carefully considered the submissions advanced by the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 and 2.

6. As held by this Court in the case of ***J.Thennarasu Vs.Anita Nalliah*** in ***CRP.(PD).No.2532 of 2021 & etc.***, dated ***05.08.2022***, the right to cross-examination is not automatic and it is to be made available subject to the judicial discretion of the Rent Court. In the light of the said ratio laid down by this Court, I have tested the application taken out under Section 36 of TNRRRLT seeking permission to cross-examine the landlord. In the counter statement filed there is no denial of tenancy under the respondent. The petitioner merely states that he has come into



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occupation of the tenant premises in the year 2008 and is doing business ever since. There is no specific averments setting out the fact that there has been an agreement subsisting up to August 2023 and that a draft lease agreement by way of renewal was forwarded by the respondents and since the respondents had claimed an exorbitant rent, which was not agreeable to the petitioner, the lease could not be executed.

7. The contention of the petitioner is that only in order to establish the factum of the lease having been subsisting up to August, 2023 and the readiness of the petitioner to enter into a tenancy agreement, the permission had been sought for to cross-examine. The learned counsel for the respondents filed RLTOP. No.105 of 2024 alleging that there has been a failure to enter into a tenancy agreement in terms of Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The only issue that arises for consideration before the Rent Court is whether on the date of commencing of TNRRRLT Act, there was a subsisting rental agreement and consequently there has been a failure to enter into a tenancy agreement.

8. It is not the case of the petitioner himself that there has been



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such a tenancy agreement subsisting on the date of commencement of the Act, as it evident from reading of the entire counter affidavit filed by the petitioner herein. A new plea cannot be put forth especially in the absence of the pleading in the counter. The Rent Court has rightly found that the petitioner has admitted the tenancy under the respondents and the only issue is whether there was any subsisting tenancy agreement on the relevant date and applying the ratio laid down by this Court in the case of ***J.Thennarasu Vs.Anita Nalliah*** in ***CRP.(PD).No.2532 of 2021 & etc.,*** dated ***05.08.2022***, the Rent Court proceeded to dismiss the application refusing permission to the petitioner/tenant to cross-examine the respondents.

9. Further, it is also brought to the notice that, even in the cross-examination, the petitioner has stated that there is no written agreement after the Act came into force on 22.02.2019. Therefore, no amount of cross-examination is going to assist the petitioner.

10. In view of the above, I do not see any infirmity in the order passed by the Rent Court, dismissing the application seeking permission to cross-examine the landlords.

P.B. BALAJI,J.



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11. Considering that the RLTOP is pending from March 2024, the Rent Court shall dispose of the same on merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

12. With the above observations, this Civil Revision Petition is disposed of. No costs. Connected miscellaneous petition is closed.

06.08.2025

Speaking/Non-speaking : Yes/No
Index : Yes / No
Neutral Citation : Yes/No
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To
1. XII Small Causes Court, Chennai.

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