



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.2478 of 2025
and C.M.P.No.15831 of 2025

V.Kalaivani

... Petitioner

Vs.

P.Vairavel

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the docket order in RTA.No.1 of 2024 dated 05.06.2025 passed by the Principal District Court, Salem and to direct the Principal District Court, Salem, to accept the representation to be made by the petitioner and number the appeal filed under Section 36 of Tamil Nadu Regulation and Rights and Responsibility of Landlord and Tenant Act filed by the petitioner against I.A.No.1 of 2024 in R.L.T.O.P.No.7 of 2024 on 26.06.2024 on the file of the Principal District Munsif, Salem.

For Petitioner : Mr.T.Muruganantham

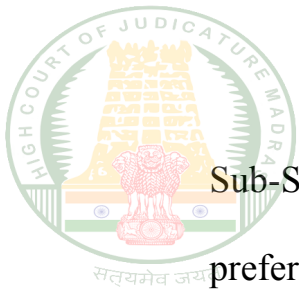
For Respondents : Mr.M.Venkatakrishnan



ORDER

The revision petitioner/tenant is before this Court. Challenging the maintainability of R.L.T.O.P.No.7 of 2024 filed by the respondent, the petitioner has filed I.A.No.1 of 2024 before the Principal District Munsif Court, Salem. The Principal District Munsif Court, Salem, vide order dated 26.06.2024, has dismissed the said application, as against which, the petitioner/tenant filed an appeal before the Subordinate Court, Salem, which came to be numbered as R.T.A.No.1 of 2024. However, subsequently noticing that the Sub Court was not the competent Rent Tribunal to take up and hear the appeal, the appeal was returned for re-presentation before the District Court. On being re-presented before the District Court, the District Court has found that the appeal is not maintainable, in view of the order of this Court dated 11.09.2024 passed in C.R.P.No.3679 of 2024. Challenging the said docket order, the tenant is before this Court.

2. The learned counsel appearing for the revision petitioner would submit that under Section 33 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, the petitioner has a right of appeal to the Rent Court having territorial jurisdiction and under



Sub-Section 30(2) of the Act, an appeal under sub-section (1) shall be preferred within a period of 30 days from the date of the order made by the Rent Authority.

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3. Unfortunately, the present revision pertains to an order passed by the Rent Court and not by the Rent Authority. Insofar as the orders passed by the Rent Court, as against only final orders, an appeal remedy is made available under Section 38 of the Act, by way of an appeal to the Rent Tribunal. Against the order passed in the interlocutory application, no appeal is permissible. In view of the above, I do not find any infirmity in the order of the District Court returning the appeal as not maintainable.

4. Further, the learned counsel appearing for the petitioner/tenant would contend that the point which is sought to be reinforced by the petitioner/tenant is that the premises being a lodging house, the Act does not apply. The said question of law can be adjudicated before the Rent Court and there is no necessity for any preliminary enquiry to be taken up on the said legal issue. Even though the application filed by the petitioner in I.A.No.1 of 2024 has been dismissed, it shall be always open to the



petitioner/tenant to canvass arguments on this point, at the time of arguments in R.L.T.O.P.No.7 of 2024. R.L.T.O.P.No.7 of 2024 shall be disposed of within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, this Civil Revision Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

15.07.2025

Speaking Order

Index : Yes

Neutral Citation : Yes

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To

1.The Subordinate Court, Salem.

2.The Principal District Munsif Court, Salem.



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P.B. BALAJI,J.

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