



CRP No. 4436 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 16-09-2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

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and

CMP No. 22704 of 2025

S.Kannan
Proprietor of M/s.Sri Sakthi Industries,
Shop No.2, Old Door No.10, New Door No.19,
Madha Church Road,
Santhome,
Chennai 600 028.

Petitioner

Vs

Prettina David
No.05-01, The Centrio, 53, Irrawaddy
Road,
Singapore 329 552.
Represented by her P.O.A.
David Ponniah,
G3, Raj Gothai Nivas, Samanthi Street,
Sabarai Nagar Extension,
Kamaraj Nagar, Medavakkam, Chennai 600 100.

Respondent



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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decree dated 22.01.2025 made in RLTA.No.116 of 2024 on the file of the XVI Additional, City Civil Court, Chennai (Appellate Authority), reversing the Order and Decree dated 28.03.2023 made in RLTOP No.61 of 2023 on the file of X Judge (FAC), Court of Small Causes, Chennai.

For Petitioner : Mr.T.Dhanasekaran

For Respondent : Mr.R.Chandra Sudan

ORDER

This Civil Revision Petition has been filed, challenging the order and decree dated 22.01.2025 made in RLTA.No.116 of 2024 on the file of the XVI Additional, City Civil Court, Chennai (Appellate Authority), reversing the Order and Decree dated 28.03.2023 made in RLTOP No.61 of 2023 on the file of X Judge (FAC), Court of Small Causes, Chennai.

2. Heard Mr.T.Dhanasekaran, learned counsel for the petitioner/tenant and Mr.R.Chandra Sudan, learned counsel for the respondent/landlord.



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3. The respondent/landlord has filed RLTOP No.61 of 2023 before X Small Causes Court (Rent Court), Chennai, for recovery of possession from the revision petitioner on the ground of failure of the parties to enter into a tenancy agreement, under Section 21(2)(a) of the Tamil Nadu Regulations of Rights and Responsibilities of Landlords and Tenants Act of 2017 (hereinafter referred as the “Act”) as also default in payment of rent under Section 21 2(b) of the Act. The Rent Court has dismissed the said RLTOP, as against which, the respondent has preferred RLTA No.116 of 2024 before XVI Additional District & Sessions Judge (Rent Tribunal), Chennai. The said appeal came to be allowed on 22.01.2025. Challenging the reversal findings, the tenant/petitioner is before this Court.

4. The learned counsel for the revision petitioner would fairly state that the possession has already been taken through Court. However, it is the specific contention of the learned counsel for the petitioner that the tenant has taken a plea even before the Rent Court that the superstructure was put up by the tenant and that there was also an



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advance amount of Rs.4,00,000/- (Rupees Four Lakhs Only). Therefore, he submitted that without refunding the said amount, delivery ought not to be taken and the rights of the tenant should not be scuttled, merely because the respondent has been successful in dispossessing, the revision petitioner/tenant.

5. Per contra, the learned counsel for the respondent/landlord would invite my attention to the specific liberty granted in this regard by the Rent Tribunal, directing the petitioner to avail his remedy before the Competent Civil Court. Infact, it is also brought to my notice, that the revision petitioner has filed a Civil Suit in O.S.No.3764 of 2020 before the City Civil Court, Allikulam, Chennai.

6. Though I find that the suit is filed for permanent injunction and the suit has been dismissed for non-prosecution, it will not come in the way of the revision petitioner, filing a fresh suit for the relief of recovery of the alleged excess advance available with the respondent/landlord and/or in order to ventilate his grievance with



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regard to the rights under Section 9 of the Act.

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7. Considering the above facts and circumstances of the case, I do not see any reasons warranting interference in this revision, more so, the possession has already been taken through Court by the landlord. In view of the above, this Civil Revision Petition is dismissed. However, it is open to the petitioner to canvass all his grievance before the Competent Civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

16-09-2025

Jd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. XVI Additional, City Civil Court, Chennai.
2. X Judge (FAC), Court of Small Causes, Chennai.



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P.B.BALAJI J.

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