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CRP No. 3299 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CRP No. 3299 of 2025

and C.M.P.No.18238 of 2025

Aishwarya Steels

Rep by its Proprietor G.Senthilkumar, No.28/3,
Thandavaraya Gramani Street, First Floor,
Tondaiarpur, Chennai-600 081

..Petitioner

Vs

C Baskaran

S/o. S.K.Chockalingam, Anand Apartment, Flat
No.D, Ground Floor Phase -II, New No.43, Old
No.16, G.A.Road, Old Washermanpet,

Chennai-600 021.

..Respondent

PRAYER - To set aside the Decree and Order dated 08-07-2025 passed in
MP.No.4/2025 in RLTOP.No.299/2024 by the Learned XIII Judge, Court of
Small Causes, Chennai.

For Petitioner: M/s.K Karthik Jagannath

For Respondent: Mr.V. CHANDRAKANTHAN



ORDER

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The unsuccessful tenant has preferred this Civil Revision Petition as against the decree and order dated 08-07-2025 passed in M.P.No.4/2025 in RLTOP.No.299/2024 by the Learned XIII Judge, Court of Small Causes, Chennai.

2. The landlord one C.Baskaran has filed a petition in R.L.T.O.P.No.299 of 2024 under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 [hereinafter referred to as TNRRRLT Act, 2017, for the sake of convenience] against the revision petitioner/tenant seeking the relief of directing the revision petitioner/tenant to vacate and deliver the vacant possession of house, ground and premises bearing Plot No.53 at Sundaram Pillai Nagar, Tondiarpet, Chennai 600 081. The revision petitioner/tenant has also filed his objections before the Rent Court. At this stage, the tenant has filed an application in M.P.No.4 of 2025 in R.L.T.O.P.No.299 of 2024 under Section 36(1) of TNRRRLT Act, read with Rule 9(1) of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Rules, 2019 [hereinafter referred to as TNRRRLT Rules, for the sake of convenience] to reject RLTOP No.299 of 2024 as not maintainable. Upon hearing on the either side, the Rent Court vide order dated



08.07.2025, dismissed the application relying upon the order of this Court in

[Mahendra Kumar Vs. Santhosh Kumar] in C.R.P.No.4331 of 2021 dated

05.01.2023 and found that Miscellaneous Petitions can be filed only for impleading necessary parties or substitution of any party or to amend the cause title or to correct any typographical errors and not for any other purpose.

3. Aggrieved over the same, the tenant has instigated the present Civil Revision Petition.

4. The learned counsel appearing for the revision petitioner would submit that the petitioner in RLTOP is hopelessly barred by limitation as the rental agreement entered into for 11 months period on 20.02.2018 expired by efflux of time on 20.01.2019 and further would submit that in view of the New Act came into force on 22.02.2019 and thereafter the end of 576 days as stipulated under Section 4 (2) of the Act ended on 18.09.2020. Therefore, from 576th day, the right to invoke the ground available under Section 21(2)(a)) started. However, he would submit that no notice of determination/termination of tenancy was ever given by the landlord from 19.09.2020 till filing of RLTOP proceedings. The end of three years limitation period as prescribed under Article 137 of the Limitation Act, 1963 came into force on 19.09.2023, whereas



the RLTOP came to be filed beyond the period of limitation only on 28.06.2024. Further, the learned counsel would submit that the present TNRRRLT Act does not by itself provide for any limitation period for filing petitions before the Rent Court under Section 21 (2) of the Act and neither does the Act expressly exclude the provisions of the Limitation Act, 1963. Thus, the provisions of the Limitation Act, 1963 is applicable to the present Act. As such, Article 137 of the Schedule to the 1963 Act provides for the limitation for any application for which no period of limitation is provided elsewhere and as per the said Article 137, three years limitation is prescribed from the date on which the right to sue accrues.

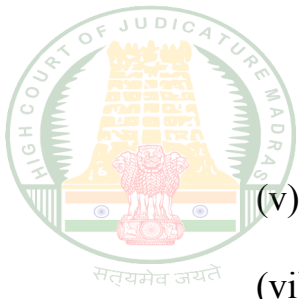
5. To strengthen his contentions, he relied on the following judgments :-

(i) ***AIR 1964 C 1336 [Mahindra Land and Building Corporation Ltd., Vs. Bhutnath Banerjee and others]***

(ii) ***(2005) 4 SCC 613 [V.M.Salgaocar and Bros Vs. Board of Trustees of Port of Mormugao]***

(iii) ***(2005) 6 SCC 614 [Narne Rama Murthy Vs. Ravula Somasundaram and others]***

(iv) ***(2024) SCC Online SC 963 [S.Shivraj Reddy (died) through his legal heirs Vs. S.Raghuraj Reddy and others]***



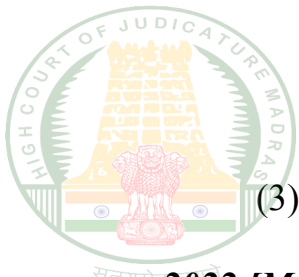
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- (v) ***(1995) Supp (4) SCC 578 [Shantilal M.Bhayani Vs. Shanti Bai]***
- (vi) ***2003 (4) CTC 284 [Nasiruddin and others Vs. Sita Ram Agarwal]*** and
- (vii) ***(2024) 2 SCC 169 [Debasish Paul Vs. Amal Boral]***.

6. Per contra, the learned counsel appearing for the respondent would submit that the revision petitioner/tenant has admitted himself as tenant for the petition premises and any maintainability of tenancy can be taken in his counter against main petition. The action of filing a separate petition against the main petition is not warranted. Once the tenancy agreement is not renewed between the parties, the landlord is entitled to file Revision Petition as provided under Section 21(2) of TNRRRLT Act, 2017 and the tenant without handing over the property, cannot take the defence of limitations.

7. To strengthen his contentions, the learned counsel appearing for the respondent relied upon the following judgments:-

- (1) The order of this Court ***dated 14.07.2020 in C.R.P(PD) Nos.976 and 977 of 2020 [Shanmugam Balakumar vs. P.Elizabeth];***
- (2) ***(2022) 2 CTC 291 [S.Muruganandam Vs. J.Joseph]*** and



(3) The order of this Court *dated 05.01.2023 in C.R.P.No.4331 of 2022 [Mahendra Kumar Vs. Santhosh Kumar]*.

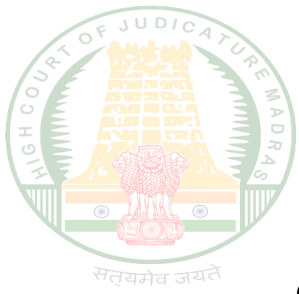
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8. It is seen from the records that the respondent/landlord has filed a petition under Section 21(2)(a) of the TNRRRLT Act to vacate the revision petitioner/tenant and deliver the vacant possession of the petition mentioned property. At this juncture, it is relevant to refer to Section 36 of the TNRRRLT Act, 2017, which reads as hereunder:-

“Section 36 – Procedure of Rent Court and Rent Tribunal -

(1) Subject to any rules that may be made under this Act, the Rent Court and the Rent Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and shall have power to regulate their own procedure, and the Rent Court shall follow the following procedure, namely,:-

(a) the landlord or tenant may file an application before the Rent Court accompanied by affidavits and documents if any,



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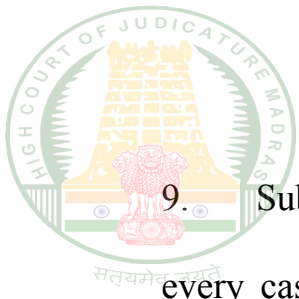
(b) the Rent Court, then, shall issue notice to the opposite party, accompanied by copies of application, affidavits and documents;

(c) the opposite party shall file a reply accompanied by affidavits and documents, if any, after serving a copy of the same to the applicant.

(d) the applicant may file a rejoinder, if any, after serving the copy to the opposite party.

(e) the Rent Court shall, then, fix a date of hearing and may hold such summary inquiry as it deems necessary.”

Section 36(1)(a) of the TNRRRLT Act contemplates that the landlord or tenant may file an application before the Rent Court. Sub-clause (b) states that the Rent Court, then, shall issue notice to the opposite party. Sub-clause (c) contemplates that the opposite party shall file a reply accompanied by affidavits and documents, if any, after serving a copy of the same to the applicant. Sub-clause (d) states that the applicant may file a rejoinder, if any, after serving the copy to the opposite party. Sub-clause (e) contemplates the Rent Court shall, then, fix a date of hearing and may hold such summary inquiry as it deems necessary.



9. Sub Section (2) of Section 36 of the TNRRRLT Act contemplates that in every case, before the Rent Court and the Rent Tribunal, the evidence of a witness shall be given by affidavit. However, the Rent Court and the Rent Tribunal, where it appears to it that it is necessary in the interest of justice to call a witness for examination or cross-examination, such witness can be produced and may order attendance for examination or cross-examination of such a witness. It is also necessary to refer to the Section 21 of the TNRRRLT Act which reads as follows:-

“Section 21- (1) *A tenant shall not be evicted during the continuance of tenancy agreement except in accordance with the provisions of sub-section (2).*

(2) *The Rent Court may, on an application made to it in the manner as may be prescribed, make an order for the recovery of possession of the premises on one or more of the following grounds, namely:—*

(a) that the landlord and tenant have failed to agree to the rent payable under section 8;

(b) that the tenant has not paid the arrears in full of rent payable and other charges payable as specified in sub-section (1) of section 13 for two months, including interest for delayed payment as may be specified for in the tenancy agreement or as prescribed, as the case may be, within one month of notice of demand for the arrears of such rent and all charges payable being served on him by the landlord in the manner provided in sub-section (4) of section 106 of the Transfer of Property Act, 1882:



Provided that no order for eviction of the tenant on account of default of payment of rent shall be passed, if the tenant makes payment to the landlord or deposits with the Rent Court all arrears of rent including interest within one month of notice being served on him:

Provided further that this relief shall not be available again, if the tenant defaults in payments of rent consecutively for two months in any one year subsequent to getting relief once;

(c) that the tenant has, after the commencement of this Act, parted with the possession of whole or any part of the premises without obtaining the written consent of the landlord;

(d) that the tenant has continued misuse of the premises even after receipt of notice from the landlord to stop such misuse.”

10. A reading of the procedures of the Rent Court and Rent Tribunal contemplated under Section 36 of the New Act would show that the procedures prescribed are meant to deal with the applications filed either by the landlord or by the tenant under the New Act. The learned counsel appearing for the revision petitioner would submit that the grounds raised in this petition is also been pleaded in his objections filed before the Rent Court. In view of the same, the parties are at liberty to raise their respective grounds including the grounds relating to maintainability, limitation, jurisdiction, etc., either in the application or in the reply and the Rent Court and Rent Tribunal are empowered to decide



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the issues in the application itself. Section 36(1)(e) of the New Act enumerates that the Rent Court shall, then, fix a date of hearing and may hold such summary inquiry as it deems necessary. Thus, the filing of Miscellaneous Petition during the pendency of the main application is unacceptable one and if it is permitted, it would defeat the very object of the summary inquiry contemplated under the New Act. There is no reason to interfere with the order of the Rent Court in M.P.No.4 of 2025 in RLTOP.No.299 of 2024.

11. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

23-09-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GSA

To

C Baskaran
S/o. S.K.Chockalingam, Anand Apartment, Flat
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No.16, G.A.Road, Old Washermanpet,
Chennai-600 021.



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M.JOTHIRAMAN, J.

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