



CRP.No.4161 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

CRP.No.4161 of 2025
and CRP.No.21389 of 2025

M/s.Sudarsan Trading Company Ltd.,
Rep. by its Authorized Signatory,
Mr.K.V.Ajith Chandra @ Ajith Kumar, Director,
Sudarsan Building, No.27, Whites Road,
7th Floor, Royapettah, Chennai-600 014. ... Petitioner / Petitioner /
4th respondent

vs.

1.Mr.T.Rajendiran

2.Mr.D.Manohar

3.M/s.Sudarshan Chits (India) Limited,
Rep by its Authorized Signatory,
No.25, Sir Theagaraya Road,
T.Nagar, Chennai-600 017.

4.Mrs.Chintya

5.Mrs.Prema Ajith

.. Respondents / Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 16.07.2025 made in M.P.No.6 of 2025 in RLTOP.No.96/2024 on the file of the Learned XV Judge, Court of Small Causes, Chennai.



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For Appellant : Mr.B.Divakaran

For Respondents : M/s.K.Manikandan, S.Muktha, K.Ramesh

ORDER

M.JOTHIRAMAN, J.

Challenging the order passed by the learned XV Judge, Court of Small Causes, Chennai, dated 16.07.2025 made in M.P.No.6 of 2025 in RLTOP.No.96/2024, in and by which the application filed by the revision petitioner / 4th respondent in RLTOP to recall the witness on the side of one Mr.T.Rajendiran and Mr.D.Manohar / petitioners in RLTOP came to be dismissed. The parties are referred to as per their rankings before the RLTOP.

2. The revision petitioner is the 4th respondent in RLTOP. The petitioners in RLTOP, namely Mr.T.Rajendran and Mr.D.Manohar, have filed RLTOP.No.96 of 2024, seeking eviction of the respondents, namely Mrs.Chintya (1st respondent), M/s.Prema Ajith (2nd respondent), M/s.Sudarshan Chits (India) Limited (3rd respondent), represented by its Authorized Signatory, M/s.Sudarshan Trading Company Ltd., (4th respondent) / revision petitioner, represented by its Authorized Signatory. The 4th respondent in RLTOP has filed two petitions to reopen and recall the petitioner's side witness for the purpose of cross examination and permit



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the revision petitioners to present his side evidence.

3. According to the revision petitioner, he is the tenant of the premises situated at 1st, 2nd and 3rd floors of the building at Door No.25, Thiagaraya Road, Pondy Bazaar, Chennai 600 017, under one Mr.Srinivasa Mudaliyar and thereafter, his wife Mrs.Saradambal from the year 1968 onwards for conducting business. The ground floor was in occupation of another tenant for his business purpose. The petitioner had paid a sum of Rs.50,000/- as Advance Security Deposit to the said land owners. According to the revision petitioner, after formation and incorporation of subsidiary company, M/s.Sudarshan Chits India Limited (3rd respondent in RLTOP), it was paying rent regularly till 1986 to the landlord Mrs.Saradambal. The said subsidiary company has gone into liquidation and was ordered to be wound up by the order of the Kerala High Court in C.P.Nos.9/81, 8/81 and 49 / 81 respectively and also appointing an Official Liquidator, by order dated 31.10.1981. The said late Mr.Srinivasa Mudaliar and Mrs.Saradambal had approached the 4th respondent / revision petitioner during March 1973 and had orally agreed to sell the suit schedule property to the petitioners for a total consideration of Rs.7,50,000/- on the ground that they were



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unable to maintain the same since they have no issues and there was no one to maintain them after their death. The said oral agreement could not be reduced into writing due to non-availability of owners due to her health condition. The said landlord was periodically receiving money towards meeting her financial needs from the 4th respondent and they are also paying the same as and when demanded by the landlord on the understanding that the same would be adjusted towards the final sale consideration. The revision petitioner has filed Rs.2,00,000/- on various dates till the year 1991 and thereafter, whereabouts of the landlord was not known to the revision petitioner and no one demanded the revision petitioner from 1991 onwards.

4. The revision petitioner is in continuous possession and enjoyment of the property and running a chit business. The respondents/petitioners have issued a legal notice dated 01.09.2021 claiming that the landlady had died issue-less and the landlady had executed a Will dated 19.08.1998, nominating the respondents 1 and 2/petitioners as Executors of the Will and the said Will has been probated by this Court, vide order dated 21.01.2020 in T.O.S.No.25/94. The respondents 1 and 2 / petitioners are only the trustees of the properties and the subsequent trust,



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namely Saradambal Srinivasa Mudaliyar Charitable Trust, created by the said landlord are shown as party to the said proceedings and therefore, the said aspect has to be established before the Court below. Hence, the dispute between the revision petitioners and the respondent relates to the title of the petition property. The revision petitioner has been paying all revenue and property tax in their name for more than 51 years. These factual aspects needs to be established through witnesses and therefore, it is just and necessary to recall the witness for the purpose of cross examination and to permit the revision petitioner to present his side evidence.

5. It is seen from the records that the Court below has passed a common order dated 16.07.2025 in M.P.Nos.3 and 6 of 2025 in RLTOP.No.96 of 2024. The present revision petition has been preferred challenging the order passed only in respect of M.P.No.6 of 2025, namely the order rejecting the application filed to recall the witness.

6. The learned counsel appearing for the revision petitioner would submit that the Court below erred in not considering the fact that the petitioner had been



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in possession, ought to have given due opportunity to the revision petitioner to put forward their contentions and by rejecting the petition to recall and reopen the evidence, had committed grave injustice and error. It is contended that no prejudice would be caused to the respondents in the event of the petitions filed to reopen and recall the witness are allowed and on the contrary the revision petitioner has been put to severe hardship and loss.

7. *Per contra*, learned counsel appearing for the respondents would submit that the RLTOP came to be filed for eviction and recovery of possession against the tenant on the ground of failure to enter into a lease agreement. After the demise of the landlord, namely Mr.Srinivasa Mudaliar and Mrs.Saradambal, during his lifetime, she executed a Will dated 19.08.1998, appointing the respondents 1 and 2 as Executors of the Will and the same was probated by this Court in T.O.S.No.25 / 1994 dated 21.01.2020. There is no oral sale agreement entered into between late Mr.Srinivasa Mudaliar and Mrs.Saradambal with the revision petitioner and such a ground was made only to wriggle out the eviction proceedings. The original owner of the property never entered into the alleged Sale Agreement. The learned counsel would further submit that the revision



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petitioner has not come forward to pay the rent and the respondents have also issued notice to the writ petitioner as a tenant calling upon the tenant to furnish particulars as to the tenancy agreement as per the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2007 [in short “TNRRLT Act”]. The revision petitioner has not come forward to enter into fresh tenancy agreement and on the other hand, chosen to file Suits in O.S.Nos.2916 and 2915 of 2022, on the file of XX Assistant City Court, Chennai and the same came to be dismissed on 08.04.2024.

8. The learned counsel for the respondents would further submit that the averments made in the petition filed to reopen and recall, which has already been raised by the revision petitioner in M.P.No.1 of 2024 to reject the RLTOP proceedings and the Court below had dismissed the same on 22.10.2024. Sufficient opportunity has been given to the revision petitioner to examine himself for the summary enquiry and it is the revision petitioner, who had failed to examine himself. To strengthen his contentions, the learned counsel appearing for the respondents has relied upon the judgment of this Court in ***J.Thennarasu v. Anita Nalliah*** [2022 SCC Online Mad 5939] to show that the Rent Court shall



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exercise its discretion on the contest of the facts before it and therefore, the petitions filed to reopen and recall witness is not maintainable.

9. Heard the learned counsel on either side and perused the entire materials available on record.

10. It is seen from the records that the respondents 1 and 2 in RLTOP, namely Mrs.Chintya and Mrs.Prema Ajit, have filed application in M.P.No.2 of 2024 in RLTOP No.96 of 2024 under Section 37(1)(j) of the TNRRRLT Act, seeking rejection of RLTOP on the ground that the petitioners, Mr.T.Rajendran and Mr.D.Manohar are not the landlords within the purview of Section 2(c) of the said Act and the same was dismissed by the Rent Court, vide order dated 22.10.2024. Aggrieved over the same, the said Mrs.Chintya and Mrs.Prema Ajit have preferred revision before this Court in CRP.No.2652 of 2025. The above said petition was contested by the said T.Rajendiran and D.Manohar stating that as per the wishes of the Testatrix, namely Tmt.Saradambal Srinivasan, a Trust was created under the name and style of Saradambal Srinivasa Mudaliar Charitable Trust. Further it was also their contention that as per the Will, the Testatrix has



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given powers to the Executors to evict the tenants, for increasing the monthly rent and also to conduct cases pertaining to the tenants. This Court, vide order dated 28.07.2024, has dismissed the said CRP by directing the Rent Controller to dispose of the RLTOP on merits and in accordance with law as expeditiously as possible, more particularly within the time frame stipulated under the Act.

11. It is to be noted that though the rent control proceedings have been initiated by two individuals, the fact remains that they are the Executors of the Trust. The Will of the Testatrix, appointing Mr.T.Rajendiran and Mr.D.Manohar as Executors of the Trust, has been probated by this Court, vide order dated 21.01.2020 in T.O.S.No.24 of 1994. Though the cause title of the eviction application does not show them as trustees, it cannot be stated that the applicants are not entitled to maintain the rent control proceedings for the benefit of the Trust.

12. It is relevant to mention the order passed by the Rent Court, particularly in paras 6 & 7, which reads hereunder:

“6.Further, the petitioner/4th respondent side court examination



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was closed on 21.03.2025. Henec, these petitions has been filed to recall the petitioner wide witness for the purpose of cross examinations and permit him to present his side evidence. However, the RLTOP petition has been filed under Section 21(2)(a) of TNRRRLT Act, 2017 on the ground that there is no written tenancy agreement entered between the parties. Though the petitioner/4th respondent has admitted that he is tenant, however he claims title on the property based on oral agreement with original landlord and only to establish that fact he wants to cross examine the Respondents/Petitioners. This Court is not a Civil Court to decide the title of the parties and the jurisdiction of this Court is very limited to decide the landlord and tenant relationship. Further, the petitioner herein has already filed M.P.No.1 of 2024 raising all the grounds and allegations made in this petitions to dismiss the RLTOP and the same was dismissed by this Court.

7. Further, the rights of the 1st and 2nd respondents/petitioners were made absolute vide order dated 21.01.2020 in TOS.No.25/1994 by the Hon'ble Madras High Court. Further, the petitioner was enjoying the property even without payment of rent to the Respondent citing that there is a oral sale agreement between the original landlord and the petitioner. However, no document has been adduced by the petitioner to corroborate the same. Further, RLTOP proceedings is summary in nature and the present petitions has been filed only with intention to drag on the RLTOP proceedings. The petitioner / 4th respondent side court examination was closed only after sufficient opportunity has been given. Further, there is no sufficient reason has been shown to recall the petitioner/4th Respondent side evidence. Further, in view of the judgment rendered by our **Hon'ble Madras High Court in CRP.(PD)No.2532 of 2021 in J.Thennarasu vs. Anita Nalliah**, these petitions are not maintainable. Hence, in interest of justice these petitions in MP.No.3 of 2025 and MP.No.6 of 2025 are dismissed.”

The Rent Court finds that the RLTOP proceedings is summary in nature and the revision petitioner's side cross examination was closed only after sufficient



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opportunity was given and there is no sufficient reason shown to recall the revision petitioner's side evidence.

13. At this juncture, it is relevant to cite the judgment of this Court in the case of ***Dr.T.Parthasarathy v. Mrs.K.Sarala [CRP(PD)No.2408 of 2022]***, wherein it was held as under:

“12.In the present case, the contention of the revision petitioner is that he is denied of an opportunity for cross-examining P.W.1 for the purpose of establishing the reason for failure to enter into an agreement between the landlord and the tenant. The application of Code of Civil Procedure has been considered by the legislature and they found that such a procedure will frustrate the Rent Control Proceedings and accordingly, contemplated for adopting the fair procedure for the purpose of effective dispensation of relief for the litigants, approaching the Court. Section 36(1) of the Act enumerates that 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 (Central Act V of 1908), but shall be guided by the principles of natural justice and **shall have the power to regulate their own procedure**, and the Rent Court shall follow the procedures enumerated under Section 36 of the Act.”

14. It is also relevant to cite the order of this Court in ***V.S.Mohan v. Sarath Naseera and others [CRP(PD)No.782 of 2023 dated 30.07.2024]***, wherein it has been held as under:

“20. Turning to the facts of this case, it is admitted by both the



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sides that there is no tenancy agreement in terms of Section 4(1). As pointed out by Hon'ble Mr.Justice N.Seshasayee, there is no inherent right of cross-examination under the new Act. Cross-examination would be at the discretion of the learned Rent Controller in order to clarify the pleadings between the parties. The only dispute in the present case was whether there was a written agreement in terms of Section 4(1) or not. The landlord can plead that there is no agreement, and it can be defeated by the tenant if he had pleaded that there is a written agreement and he was in a position to produce it. That situation is not presented in the present case. Therefore, the learned Rent Controller in his discretion felt that no cross-examination is necessary.

21. A reading of Section 36(2) of the Tamil Nadu Act 42 of 2017 makes it clear that it is the discretion of the learned Rent Controller to grant the right to cross-examine on a case by case basis. If he comes to a conclusion that there is no necessity to permit the tenant or the landlord to cross-examine the other party, unless and until, the discretion has been exercised in a capricious or arbitrary manner, it is not susceptible to be interfered with by way of Article 227 of the Constitution of India.”

15. It is to be noted that cross examination would be at the discretion of the learned Rent Controller in order to clarify the pleadings between the parties. The dispute in the present case is whether there is a written agreement in terms of Section 4(1) or not. The landlord can plead that there is no agreement, and it can be defeated by the tenant if he had pleaded that there is a written agreement and he was in a position to produce it. In the instant case, the contention of the revision petitioner is that the respondents 1 and 2 before the RLTOP are not



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landlords within the meaning of Section 2(c) of the Act. Therefore, the Rent Controller felt that no cross examination is necessary and permitted the revision petitioner to adduce evidence on his side. Admittedly there is no written agreement and hence, the learned Rent Controller has correctly exercised his discretion and dismissed the applications. This Court finds no reason to interfere with the findings recorded by the Court below in the order impugned and finds no merit in this civil revision petition.

16. In the result, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

03.09.2025

Intex : Yes/No
Internet : Yes/No
Jvm

To
XV Judge, Court of Small Causes,
Chennai.



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