



CRP.No.4455 of 2025 and CMP.No.22775 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M. JOTHIRAMAN

CRP.No.4455 of 2025

and

C.M.P.No.22775 of 2025

N. Shabana
A.R.Enterprises
Door No.5, Adhithanar Salai,
Harris Road, Pudupet, Chennai - 600 002.

... Petitioner / Petitioner / Respondent

Versus

1. A.J.Rasheeda Beevi
2. A.J. Raja Mohamed
3. A.J.Mohamed Ali Jinnah
4. A.J.Mohamed Asif

... Respondents / Respondents / Applicants

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned fair and decretal order dated 11.08.2025 passed in M.P.No.2 of 2025 in R.L.T.O.P.No.28 of 2025 on the file of the XV Court of Small Causes, Chennai.

For Petitioner	:	Mr.AR.Balaji
For Respondents	:	Mr.V.Sivakumar for M/s. P.B.Ramanujam Associates



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ORDER

Unsuccessful tenant has preferred the present Civil Revision Petition.

2. The respondents / landlord filed an application in R.L.T.O.P.No.28 of 2025 under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (Act 42 of 2017), before the Rent Court, Chennai, seeking an order for recovery of possession and a direction to deliver vacant possession of the petition mentioned property on the ground of failure to enter into a lease agreement. When the case was posted for examination of tenant's side witness, the tenant filed an application in M.P.No.2 of 2025 in R.L.T.O.P.No.28 of 2025 under Section 36(2) of the said Act, seeking permission to cross examine the witness produced by the landlord. Upon hearing either side, the Rent Court, *vide* order dated 11.08.2025, dismissed the application on the ground that the tenant / revision petitioner is admittedly a tenant under the landlord in the petition premises, and that the affidavit filed by the tenant did not disclose any factual dispute regarding cross examination of the landlord. The Court below further observed that granting permission to cross-examine the landlord in the given



circumstances would only delay the proceedings without serving any substantial purpose. Aggrieved over the same, the tenant has preferred the present Civil Revision Petition.

3. The learned counsel appearing for the revision petitioner would submit that the Rent Court erred in treating the petitioner as a tenant of the petition mentioned premises. After the demise of the petitioner's husband, the creditors of her husband took hostile possession of the said premises. Therefore, the petitioner neither sublet nor handed over possession of the premises to the creditors. The findings of the learned Rent Court that the petitioner had sublet the premises to the creditors are erroneous and untenable. The Rent Court failed to consider that the respondent had not produced any shred of evidence or documentary proof to establish that the petitioner is in actual possession of the property. In fact, the petitioner had orally informed the respondents about the hostile take over of possession by the creditors, which was conveniently suppressed by the respondents in their pleadings. Without any supporting material, the Rent Court came to the conclusion that the petitioner is in possession of the property. Further, the learned counsel submits that the Court below failed to consider the ratio laid



down in *J.Thennarasu vs. Anita Nalliah*, reported in 2022 (5) CTC 519, wherein it was held that the cross examination of witness is necessary when the tenancy is disputed by the tenant. The Rent Court failed to consider that cross examination of the witness is both just and necessary to elucidate how the landlord came to the conclusion that the petitioner is in possession and control of the property. Without examining the factual disputes in the anvil of cross examination, the petitioner will lose the right to a fair hearing, amounting to a blatant violation of the principle of natural justice.

4. Per contra, the learned counsel appearing for the respondents would submit that the petitioner is indeed a tenant in respect of the petition mentioned premises. Originally, one A.Noorudeen, the husband of the petitioner, was inducted as a tenant in respect of the said premises by the husband of the first respondent, namely late S.M.Abdul Jaleel. The revision petitioner's husband, A.Noorudeen, at one point, committed wilful default in payment of monthly rent. Consequently, the first respondent's husband, late Abdul Jaleel, filed R.C.O.P.No.1479 of 2014 against the petitioner's husband for eviction on the ground of owner's occupation. Hence, there is no necessity



to interfere with the order impugned herein.

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5. It is seen from the records that the petitioner's husband late A.Noorudeen, was a tenant in respect of the petition mentioned property, which has been the subject matter of the rent control proceedings. The revision petitioner does not dispute that rent was paid to the respondents after the demise of the said A.Noorudeen. Since the relationship of landlord and tenant is admitted between the petitioner and the respondents, the question of examining witnesses under Section 21 (2) (a) would not arise, especially when the respondents / landlords have filed a petition seeking recovery of vacant possession. It is also seen from the records that, in the affidavit filed by the revision petitioner in M.P.No.2 of 2025 in R.L.T.O.P.No.28 of 2025, at paragraph 7, it has been stated that the possession of the petition schedule premises was handed over to the creditors of the petitioner's late husband. The petitioner has further stated that this was informed personally, and that the creditors, collectively, met the applicants at their residence on the same day when possession of the petition schedule premises was handed over.



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6. On the perusal of the affidavit, it appears that the dispute raised by the revision petitioner pertains to the question of legal heirship. The dispute regarding the landlord's legal heirship, as raised by the revision petitioner, is not relevant for the purpose of concluding the R.L.T.O.P. proceedings.

7. In view of the above, there is no reason to interfere with the order dated 11.08.2025 passed in MP.No.2 of 2025 in RLTOP.No.28 of 2025, pending on the file of the learned XV Small Causes Court, Chennai.

8. Accordingly, this Civil Revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The learned XV Small Causes Court, Chennai.



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M. JOTHIRAMAN, J.

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