



CRP.No.5131 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 28.10.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CRP.No.5131 of 2025 and**  
**CMP.No.25866 of 2025**

Mrs.Mastani

... Petitioners

Vs.

1.Mr.A.Ghouse Basha

2. Mr.Sudarshan

...Respondents

**PRAYER :**Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the order and decree dated 12.08.2025 passed in MP.NO. 1 of 2025 in RLTOP No. 78 of 2025, by the XVI Small Causes Court, Chennai.

For Petitioner : Mr.S.Udhaya Kumar

**ORDER**

The Civil Revision Petition is filed challenging the order passed by the court below allowing the application filed by the 1<sup>st</sup> respondent seeking opportunity to cross-examine the petitioner herein under Section 36(2) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017.

2. The petitioner herein filed RLTOP No. 78 of 2025 seeking eviction of



first respondent under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. It is the specific case that first respondent originally inducted as tenant in the year 2004. After coming into force of New Tenancy Act, the first respondent failed to execute tenant arrangement as per the provisions of the said Act. Hence, the original petition has been filed seeking eviction.

3. The first respondent filed a counter-affidavit denying his status as tenant under petitioner herein. It was his specific case that the rental arrangement relied on by the petitioner dated 10-10-2004 was a forged document. He also claimed ownership over the subject property.

4. Since the status of the first respondent as tenant has been seriously disputed, he filed an application under Section 36(2) of the Act seeking opportunity to cross-examine the petitioner herein, who filed main OP on the ground that the first respondent was a tenant under him. The said application was allowed by the Court below. Aggrieved by the same, the petitioner has come before this court.



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5. The learned counsel for the petitioner vehemently contended that the first respondent is claiming ownership over the subject property and the same is untenable. In these circumstances, the court below ought not have allowed the application filed by 1<sup>st</sup> respondent seeking opportunity to cross-examine the petitioner.

6. A perusal of the pleadings of the parties would clearly establish that petitioner herein claims that the first respondent was originally inducted as tenant in the year 2004 and later, he failed to execute new tenancy agreement as per the new tenancy act. The first respondent, in his pleadings, specifically stated that 2004 rental agreement relied on by the petitioner was a concocted document and he never inducted into the property under the petitioner.

7. In view of the serious dispute with regard to the status of the first respondent and the validity of the tenancy arrangement relied on by the petitioner, this Court feels that opportunity shall be given to the first respondent to cross-examine the petitioner. I do not find any error in the



CRP.No.5131 of 2025

impugned order passed by the Court below. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

**28.10.2025**

Index : Yes / No  
Internet : Yes / No  
nr

To

The XVI Small Causes Court, Chennai.

**S.SOUNTHAR, J.**

4/5



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