



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 5497 of 2025 and
CMP No.27647 of 2025**

C.P.Atchuthan

... Petitioner

Vs.

1 . Md.Nayeemur Rahman,

2 . Balakrishnan

... Respondents.

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 02.09.2025 made in M.P.No.3 of 2025 in RLTOP No.261 of 2024 and direct the XI Small Causes Court, Chennai to number the application.

For Petitioner(s): Mr.R.Thirumoorthy

For Respondent(s) Mr.M.Sunil Kumar for first R1.

ORDER

This civil revision petition is filed challenging the order passed by the court below, dismissing the application filed by the petitioner, seeking right of his examination in the main RLTOP No.261 of 2024.



2. The first respondent herein filed a petition in RLTOP No.261 of 2024 under Section 21(1)(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenants Act, 2017 against the petitioner herein and another (2nd respondent), seeking eviction and re-possession of the property.

3 . It is the case of the first respondent/landlord that after coming into force the New Act, no agreement was entered into between him and the petitioner under the provisions of the New Act and hence, repossession is sought for. The petitioner herein filed counter, denying various averments found in the petition for repossession.

4. The petitioner, in his counter to the main RLTOP, has not raised any plea regarding investment or improvement made by him in the demised premises. Now, the instant application has been filed seeking right of his examination before court under Section 36(2) of the Act, mainly on the ground that the petitioner invested Rs.25,00,000/- to Rs.30,00,000/- in the demised premises and if the land lord is willing to pay the invested amount, the petitioner is ready to vacate and hand over the possession of the property to the first respondent. In order to substantiate the plea raised in the instant application that the petitioner invested huge amount, he seeks right of examination.



5. It is pertinent to note that in the counter filed by the petitioner to the original RLTOP, he has not averred anything about the investment or improvement made by him in the premises. When the matter was taken up for enquiry, for the first time, he raised this plea by filed an application under Section 36(2) of the Act. Further, even if the petitioner/tenant made any investment or improvements in the demised premises, it may not be a ground to deny the right of eviction available to the first respondent/landlord under section 21(1)(2)(a) of the Act. The Trial Court rightly appreciated the legal position and dismissed the application filed by the petitioner and I do not find any irregularity or infirmity to interfere with the same. The petitioner is entitled to file his affidavit in lieu of recording of his evidence before court, as per summary procedure contemplated under Tamil Nadu Regulation of Rights of Responsibilities of Landlords and Tenants Act, 2017.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

11. 11. 2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST



CRP No.5497 of 2019



To

The XI Judge, Court of Small Causes,
Chennai.



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S.SOUNTHAR J.

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