



C.R.P.(Pd)No.4758 of 2025 and C.M.P.No.24074 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2025

CORAM:

**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

C.R.P.No.4758 of 2025  
and C.M.P.No.24074 of 2025

1. D.Suresh Jain  
Managing Director, No. 621,  
Annasalai, Sire Mansion, 2nd Floor,  
(Left Side Premises), Chennai-06,  
Also having office at, M/s. Kesar Gift  
Mart (P) Limited, VDS House, 41  
Cathedral Road, Chennai-89.

Petitioner(s)

Vs

1. Vinod R. Doishi  
S/o. Late Ravilal S.Doshi, Res. at No.  
22/53, Rukmani Road, Kalakshetra  
Colony, Besant Nagar, Chennai-90.

2.Beena N Doshi  
W/o. Late Naresh R .Doshi, Res. at  
No. 22/53, Rukmani Road,  
Kalakshetra Colony, Besant Nagar,  
Chennai-90.

3.Ravilal S. Doshi (HUF)  
Rep. by his Karta Vinod R. Doshi,  
Res. at No. 22/53, Rukmani Road,  
Kalakshetra Colony, Besant Nagar,  
Chennai-90.

Respondent(s)



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**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and Decree dated 12.09.2025 in MP. Sr.No. 44467 of 2025 in RLTOP No. 326 of 2025 on the file of Honble XIV Court of Small Causes, Chennai

For Petitioner(s): Mr. T. Karunakaran

For Respondent(s): Mrs. K.Nalini Chidambaram,  
Senior Advocate  
For Mrs. C.Uma For Caveator  
R1

### **ORDER**

The unsuccessful tenant has preferred the present civil revision petition.

2. The landlord has filed an application under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenants Act, 2017 as amended by Act XXXIX of 2018 in R.L.T.O.P.No.326 of 2025 (hereinafter referred to as the Act) to vacate the premises of the scheduled property in a proper condition immediately due to breach of the lease agreement dated 01.03.2022. While pending the R.L.T.O.P proceedings, the revision petitioner/tenant has approached this Court under Article 227 of the Constitution of India in C.R.P.No.4024 of 2025 to strike off



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the proceedings in R.L.T.O.P.No.326 of 2015 pending on the file of the XIV Judge, Court of Small Causes, Chennai. This Court, on 26.08.20925, while disposing of the Civil Revision, permitted the revision petitioner/tenant to advance arguments on the maintainability of R.L.T.O.P when considering the issue that arises for consideration in the application for recovery of possession under Section 21(2)(a) of the Act. Thereafter, the revision petitioner/tenant has filed an application in M.P.Sr.No.44467 of 2025 in R.L.T.O.P.No.326 of 2025 under Section 37(1)(j) of the Act to strike off the above R.L.T.O.P.No.326 of 2025.

3. Upon hearing either side, the Court below, vide order dated 12.09.2025, dismissed the application on the ground that this Court, in C.R.P.No.4024 of 2025, permitted the revision petitioner/tenant to advance arguments on the maintainability of R.L.T.O.P.No.326 of 2025 only while considering the issue that arises for consideration in the application for recovery of possession. Aggrieved over the same, the defendants have preferred this revision.

4. The learned counsel for the revision petitioners would submit that though the revision petitioners / landlord entered into a Deed of Lease on



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01.03.2022, the same was not registered before the competent authority as per

Section 4(3) of the Act. When the Deed of Lease is not registered, the respondents/landlord can only invoke the legal proceedings before the Civil Court. The learned counsel would further submit that the Rent Court ought not to have entertained the R.L.T.O.P.No.326 of 2025 when the Deed of lease dated 01.03.2022 is not registered before the competent authority as per the provisions of the Act. The learned Rent Court Judge dismissed the petition by relying upon the judgment in *N.Ambazhagan Vs.A.K.Mohammed Yunus* holding that the Rent Court cannot entertain a petition filed under Section 37(1)(j) of the Act. However, the learned Judge failed to consider the judgment of this Court reported in *2022(2)CTC 291/S.Muruganandam Vs.J.Joseph* wherein it has been held that the landlord is not entitled to file a case under the Act when the Deed of Lease is not registered before the Rent Authority as per Section 4(3) of the Act. Therefore, the trial Court, without providing an opportunity to the tenant to establish his case, dismissed the application even without numbering the same which is unsustainable. Hence, the tenant is before this Court.

5. Per contra, the learned senior counsel appearing for the



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respondents/landlord would submit that the revision petitioner /tenant had already approached this Court by filing C.R.P.No.4024 of 2025 to strike off the proceedings in R.L.T.O.P.No.326 of 2025 and they themselves withdrew the petition. Liberty was granted to advance arguments on the maintainability of the R.L.T.O.P before the Rent Court. Accordingly, the revision petitioner made his submissions on the maintainability of the R.L.T.O.P before the Rent Court. Upon considering the arguments, the Rent Court has come to the conclusion that the R.L.T.O.P is maintainable and the case was taken on file. She would further submit that once again, the revision petitioner has filed an application in M.P.Sr.No.44467 of 2025 in R.L.T.O.P.No.326 of 2025 under Section 37(1)(j) of the Act to strike off the above R.L.T.O.P. The Rent Court, upon considering the observations made by this Court in C.R.P.No.4024 of 2025 has rightly dismissed the application. There is no justifiable reason to interfere with the same. To strengthen the contentions, she would rely upon the following judgments:

- (i) *C.R.P.No(NPD) Nos.3056 of 2021 etc. dated 04.02.2022[S.Muruganandam Vs.J.Joseph]*
- (ii) *C.R.P.No.2502 of 2025 [M.Narayanaswamy Vs. K.Palani Kumar and others]*



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6. Heard the learned counsels on both sides and perused the materials available on record.

7. It is seen from the records that the respondents/landlords have filed an application under Section 21(2)(a) of the Act to vacate the premises of the scheduled property in a proper condition immediately due to breach of the agreement for lease dated 01.03.2022. The revision petitioner had already approached this Court in C.R.P.No.4024 of 2025 to strike of the proceedings in R.L.T.O.P.No.326 of 2025. He sought permission to withdraw the revision with liberty to agitate the maintainability of R.L.T.O.P.No.326 of 2025. This Court, by order dated 26.08.2025, while disposing of the R.L.T.O.P, granted liberty on the following terms:

*“The Rent Court shall permit the revision petitioner / tenant to advance arguments on the maintainability of R.L.T.O.P.No.326 of 2025 while considering the issue that arises for consideration in the application for recovery of possession under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenants Act, 2017.”*



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8. At this juncture, it is relevant to refer to Section 37(1) (j) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017:

37. ***Powers of Rent Court and Rent Tribunal.***—

*(1) The Rent Court and the Rent Tribunal, for the purpose of discharging their functions under this Act, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act 5 of 1908) for the purposes of,—*

.....

*(j) any other matter as may be prescribed.*

9. It is not in dispute that the revision petitioner has already approached this Court and this Court has granted liberty to advance arguments on the maintainability of the R.L.T.O.P while considering the issue that arises for consideration in the application for recovery of possession filed under Section 21(2)(a) of the Act. Though this Court has granted liberty to the revision petitioner to make his submissions in the main R.L.T.O.P, he has filed another application before the Rent Court to strike off the proceedings of R.L.T.O.P which is unsustainable. Hence, the Court below has rightly



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dismissed the application. This Court finds no reason to interfere with the impugned order. Accordingly, the civil revision petition is dismissed. The Rent Court shall dispose of the main R.L.T.O.P.No.326 of 2025 as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

**07.10.2025**

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The XIV Judge,  
Small Causes, Chennai.

**M. JOTHIRAMAN, J.**

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