



WEB COPY

CRP No.5228 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 5228 of 2025 and

CMP No.26321 of 2025

1. Mohammed Ismail

S/O. M.A. Majeed, Business at No.29,
Gandhi Road, Opp to C.M.C., Vellore -
632004. and residing at No.53, New
Labbai Street, R.N.Palayam,
Vellore - 632001.

Petitioner(s)

Vs

1. K.Shaista Anver

W/O. Mohammd anver, Having Office
at No.84, Arcot Road, Meher Arvade -
Opp. to CMC, Vellore and residing at
No.16/2, Binny Crescent,
Benson Town, Bangalore- 560046.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order of the learned Rent Controller(Principal Dist.Munsif)Vellore dated 04-09-2025 in IA.No.1 of 2025 in RLTOP.No.20 of 2022 and to dismiss the said IA.

For Petitioner(s): Mr. T.M.HARIHARAN



ORDER

This civil revision petition is filed, challenging the order passed by the Rent Court, allowing the amendment application filed by the respondent/ landlord.

2. The respondent herein filed a petition seeking re-possession of the property against the petitioner under Sections 21(2)(a) and 21(2)(b) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, on the ground that, there was no agreement between the parties under the said New Act. Subsequently, the respondent filed an amendment application seeking to amend the door number and also to include the first floor in the description of the property found in the original petition. The said amendment application was resisted by the petitioner on the ground that, even in the counter affidavit filed in the main original petition, it was pleaded by the petitioner that first floor was constructed by his father and therefore, the proposed amendment sought by the respondent is not permissible. It was also stated in the counter affidavit filed by the petitioner that there was a delay of 3 years in filing the amendment petition, from the date of filing the original petition. The learned Judge, considering the plea raised by both the parties, was pleased to allow the amendment application. Aggrieved by the same, the present civil revision petition is filed.



3. The learned counsel for the petitioner would submit that inspite of plea raised by the petitioner that first floor construction was raised by his father, the respondent has not taken any steps to file amendment application immediately and hence, the present amendment application filed by the respondent is liable to be dismissed on the ground of delay and laches.

4. By virtue of amendment, the respondent wants to change the door number of the subject building and also include the first floor, in the description of the property. It is the case of the respondent that as per the rental arrangement in the lease deed entered into between the parties, prior to the Act, the first floor of the building was mentioned, however, the same was not included in the description of the property by inadvertence. Therefore, taking into consideration the typographical error, that had crept in during preparation of the O.P., the amendment petition may be allowed.

5. According to the respondent/landlord, the door number of the demised building was wrongly mentioned as Old Door No.30, New door No.211, instead of Old Door No.29 and new door No.209. As far as the door number is concerned, in the counter filed by the petitioner to the amendment petition filed by the respondent, he has not seriously disputed the same.. The main objection was with regard to the inclusion of the first floor in the description of the property. It is the case of the petitioner that, the first floor was constructed by



his father and hence, the same cannot be included in the demised portion.

Whether the demised portion, including the first floor was let out to the petitioner or not; is a question to be decided in the main original petition and the same cannot be decided at the time of considering the petition for amendment of pleadings. The petition for amendment filed by the respondent is only clarificatory in nature. Therefore, the Court below rightly allowed the said amendment petition and I do not find any error to interfere with the impugned order.

6. Accordingly, this civil revision petition is dismissed, confirming the impugned order passed by the Court below. Connected miscellaneous petition is closed. There shall be no order as to costs. The petitioner is entitled to file additional counter, raising his objections and such additional counter shall be filed within a period of four weeks from the date of receipt of copy of the order.

31-10-2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Rent Controller/ Principal District Munsif, Vellore.



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S.SOUNTHAR J.

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