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CRP.No.5664 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5664 of 2025 and
CMP.Nos.28315 and 26955 of 2025

Dhanasekaran

... Petitioner

Vs.

Rashya Begam

...Respondent

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the order dated 11.08.2025 in I.A.No.9 of 2025 in RLTOP.No.3 of 2023 on the file of the Court of District Munsif, Thiruvavur.

For Petitioner : Ms.R.Thenamirtha Shyamala

For Respondent : Mr.A.Sriram

ORDER

The Civil Revision Petition is filed challenging the order passed by the Rent Court dismissing the application filed by the petitioner seeking to



receive additional counter in the main original petition.

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2. The respondent herein filed a petition for re-possession under Section 21(2) (a) of Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenant Act, 2019. The petitioner already filed counter in the main original petition disputing the jural relationship of landlord and tenant. The enquiry in the original petition has already commenced and it is posted for filing of affidavit by the respondent. At this stage, the present application has been filed by the petitioner for reception of additional counter.

3. In the additional counter, the petitioner seeks to include certain averments relating to the suit for partition filed by two sisters of the respondent before the District Court, Tiruvarur. The said application was dismissed by the Rent Court. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner would submit that the respondent suppressed the partition suit between her and her sisters. Therefore, the averment sought to be introduced by way of additional counter



will help the petitioner to establish before the Court that the respondent was not the absolute owner of the subject property.

5. The respondent herein filed petition for repossession under the Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenant Act, 2019. The petitioner has already filed counter in the main original petition disputing the jural relationship. It has also been stated by the petitioner that the subject property belongs to temple and that the respondent had no right over the same. The main dispute to be decided is the existence of jural relationship between the petitioner and the respondent. In order to maintain the original petition under Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenant Act, 2019, the existence of jural relationship is vital and the landlord need not be the owner of the premises within the meaning of the Act.

6. In such circumstances, the averment sought to be introduced by way of additional counter may not be relevant for deciding the controversy involved in the main original petition. Further, petitioner had earlier taken a stand that the property belongs to the temple and that the respondent has no



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right over the property. Now, the petitioner by way of additional counter seeks to introduce the new plea that the respondent's sisters have claimed share in the subject property. The new plea sought to be introduced by the petitioner by way of additional counter is inconsistent with the earlier plea raised by the petitioner. In the considered opinion of this Court, the new plea raised in the additional counter is not all necessary to decide the controversy in the main original petition. Hence, the Rent Court is justified in dismissing the application.

7. I do not find any error in the impugned order. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
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To

The District Munsif,
Thiruvavarur.



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S.SOUNTHAR, J.

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