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CRP No.6269 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6269 of 2025 and
CMP No.31037 of 2025**

1. Kiran G.Manek
Shop No.36 and 7, Kumbhat
Complex, Ground Floor Nos.29 and
30, Rattan bazaar Road, Edapalayam,
Chennai 600 003

2. Minal K Manek
Office at Shop Nos. 36 and 67,
Kumbhat Complex, Ground Floor,
Nos. 29 and 30, Rattan Bazaar Road,
Edapalayam, Chennai-03.

Petitioner(s)

Vs

1. Prem Kumbhat
No.5A, Paasu Street, Kilpauk,
Chennai 600 010

2.Shakunthala Kumbhat
No. 5A, Parasu Street, Kilpauk,
Chennai-10.

3.Pushpa Kumbhat
No. 5A, Parasu Street, Kilpauk,
Chennai-10.

4.Madhu Kumbhat
No. 5A, Parasu Street, Kilpauk,
Chennai-10.



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5.Shanthi Kumbhat
No. 5A, Parasu Street, Kilpauk,
Chennai-10.

6.A.Murugesan
Having Office at Kumbhat Complex,
Ground Floor Nos. 29 and 30, Rattan
Bazaar Road, Edapalayam,
Chennai-03.

7.A.S.Michael
Having Office at Kumbhat Complex,
Ground Floors, Nos. 29 and 30,
Rattan Bazaar Road, Edapalayam,
Chennai-03.

8.S.M.John Wesley
Having Office at Kumbhat Complex,
Ground Floor Nos. 29 and 30, Rattan
Bazaar Road, Edapalayam,
Chennai-03.

9.Esther Michael
Having Office at Kumbhat Complex,
Ground Floor Nos. 29 and 30, Rattan
Bazaar Road, Edapalayam,
Chennai-03.

10.Sangeetha Jain
10 and 11 at No. 5A, Parasu Pillai
Street, Egmore (Part2), Village/Town
of Egmore Taluk, Chennai-10.

11.Suchithra Kumbhat
10 and 11 at No. 5A, Parasu Pillai
Street, Egmore (Part2), Village/Town
of Egmore Taluk, Chennai-10.

Respondent(s)



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PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decreetal order dated 05.11.2025 passed in MP No. 8 of 2025 in RLTOP No. 378 of 2023 on the file of XIII Court of Small Causes, Chennai.

For Petitioner(s): Mr.V.Sivakumar For
P.B.Ramanujam

For Respondent(s): Mr. Dwarakesh Prabhakaran

ORDER

This civil revision petition is filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioners under Section 36(2) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 seeking leave of the court to cross examine PW1 and also 4th respondent.

2. The respondents 1 to 5 herein filed RLOP No.378 of 2023 under Section 21(2)(b) of Tamil Nadu Regulation of Rights and responsibilities of Landlord and Tenants Act seeking re-possession of the demised property. According to the respondents 1 to 5 herein, the property was originally leased out in favour of the respondents 1 and 2. The 3rd and 4th respondent in the main O.P are son and wife of 2nd respondent. Since the respondents 3 and 4 had paid the rent, they have also been arrayed as parties in the OP. The petitioners, who were arrayed as respondents 5 and 6 in the main O.P



are the sub tenants under the original tenants.

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3. The petitioners /respondents 5 and 6 filed a counter in the main O.P admitting that the 4th respondent in O.P was the main tenant and they were sub tenant under the 4th respondent. Later on, the petitioners filed additional counter stating that, in the lease deed entered into by the petitioners with the 4th respondent, she claimed herself as owner of the demised premises and therefore there was a cloud over the title and hence, the instant application was filed by the petitioners seeking permission to cross examine PW1, who was examined on behalf of the petitioners in the main OP. The said application was dismissed by the Rent Court. Aggrieved by the same, the present civil revision petition has been filed by the petitioners.

4. The learned counsel for the petitioners would vehemently contend that in the lease deed entered into between the petitioners and the 4th respondent in main OP, she was described as original owner of the premises and there is a serious cloud over the title of the petitioners in the original OP. In such circumstances, the petitioners herein/respondents 5 & 6 may be given an opportunity to cross examine PW1.



5. The learned counsel for the respondents would submit that similar application was filed by the petitioners in MP SR No.1298 of 2023 and the same was dismissed as not pressed on 12.01.2024. Hence, the petitioners had filed the instant application before the Rent Court, only to drag on the proceedings.

6. The petitioners herein, in the counter to the original OP, clearly admitted that the 4th respondent in main OP was the tenant and the petitioners were sub tenant under the 4th respondent in main OP. In fact, it was the case of the petitioners that the property was originally let out in favour of the respondents 1 and 2 in main OP and there was an agreement between the petitioners and the respondents 1 and 2. Subsequently, the petitioners entered into the rental agreement with the 3rd respondent in main OP, during August 2007. Finally, the petitioners entered into rental agreement with 4th respondent in main OP. Therefore, the petitioners categorically admitted that they were only sub tenants under 4th respondent in main OP. Now, it is not open to the petitioners to detract from the averments made in the main counter and seek permission to cross examine PW1 with regard to the alleged title dispute, in respect of the demised property. When the jural relationship between the petitioners in the main



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OP and the 4th respondent was categorically admitted by the petitioners in their main counter, it is not open to them to deviate from the said admission and therefore, I do not find any error in the impugned order passed by the learned Rent Controller.

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

8. At this juncture, the learned counsel for the petitioners submits that the petitioners may be permitted to lead contra evidence during enquiry before the Rent Court. It is made clear that the dismissal of this civil revision petition will not come in the way of the petitioners, examining themselves by affidavit, as per Section 36(2) of Tamil Nadu Regulation of Rights and responsibilities of Landlord and Tenants Act.

10.12.2025

Internet : Yes/No
Index : Yes / No
Neutral Citation : Yes / No
MST

To
The XIII Judge,
Small Causes Court, Chennai.



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S.SOUNTHAR, J.

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