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C.R.P.Nos.6537, 3538 & 6539 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 18.12.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**C.R.P.Nos.6537, 3538 & 6539 of 2025**  
**of 2025**  
**and C.M.P.No.32314 of 2025**

M/s.Seagull clearing and Forwarding Agencies Pvt Ltd.,  
Rep. By its Chairman & Managing Director,  
Mr.R.Radhakrishnan,  
No.20, Room No.C, 2<sup>nd</sup> Floor,  
Second Line Beach Road,  
Also residing at Srilankham,  
5/82, Marakayar Nagar, 7<sup>th</sup> Street,  
Neelankarai,  
Chennai – 600 041.

... Petitioner in all CRPs.

vs.

Mr.Harish Udupa,  
S/o.Mr.Y.Narasimha Udupa,  
No.21, (Old No.12), 2<sup>nd</sup> Line Beach Road,  
Chennai – 600 001.  
Represented by his Son and Power Agent,  
H Adiya, S/o.Mr.Harish Udupa,  
Prabhavathi Illam,  
No.487/55A, Pantheon Road,  
VTC., Egmore, Chennai – 600 008.

... Respondent in all CRPs.

**COMMON PRAYER:** Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the order dated 01.12.2025 passed by the XIII- Small Causes Court, Chennai in M.P.Nos.2, 3 and 4 of 2025 in RLTOP.No.298 of 2025 by dismissing the petitions on the ground of Court's discretionary power.



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For Petitioner : Mr.R.Vasudevan  
[in all CRPs.] for Mr.S.Lokaiah

### **COMMON ORDER**

These civil revision petitions are filed challenging the order passed by the learned Rent Court dismissing the applications filed by the petitioner seeking to reopen the case, recall PW1 evidence and to cross-examine the said witness.

2.The respondent herein filed petition for re-possession under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 [hereinafter referred to as 'TNRRLT Act']. The petitioner filed counter and resisted the petition on the ground that though the petitioner was willing to enter into a rental agreement, the respondent failed to co-operate for the same and therefore, no rental agreement was entered into as per the provisions of the New Act. It is not in dispute that originally the petitioner entered into tenancy agreement in the year 2011 and after coming into force of the new Act, no rental agreement was entered into in the manner recognised by the new Act.



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3. Now the matter was posted for arguments after examination of witnesses by the parties in a summary manner. The instant applications have been filed by the petitioner seeking to reopen the case, recall P.W1 evidence and to cross-examine the witness. The said applications were dismissed by the Rent Court. Aggrieved by the same, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner would submit that in order to establish the case of the petitioner, the cross-examination of the respondent side witness P.W1 is absolutely necessary, therefore, fair opportunity should have been given to the petitioner by the Rent Court. In support of his contention, he relied on the Judgment of this Court in the case of ***K.S.Balasubramanian Vs. G.Vinod Kumar*** reported in ***2022 Supreme (Online)(MAD) 36609*** and he also relied on the judgment of this Court in the case of ***S.Muruganandam & Ors. Vs. J.Joseph & Ors.*** reported in ***2022 Supreme (Mad) 145.***

5. In the case on hand, repossession was sought by the respondent only on the ground that the petitioner failed to enter into an agreement as per the new Act. The only question to be decided is whether there has

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been an agreement as per the provisions of the new Act. If the petitioner is able to produce the agreement before the Rent Court, he would be entitled to resist the petition for repossession successfully.

6. It is an admitted case that the petitioner had entered demised property in the year 2011 as a tenant. In such circumstances, there is no necessity to cross-examine the respondent.

7. In ***K.S.Balasubramanian's*** case relied on by the petitioner, repossession was sought for not only under Section 21(2)(a) of the TNRRRLT Act, but re-possession was sought for on various other grounds like, wilful default, misuse of property and owner's occupation. In view of the same, in that case, this Court granted permission to cross-examine the witnesses of the landlord. In the case on hand, the petition was filed only on the sole ground under Section 21(2)(a) of the TNRRRLT Act. In such circumstances, the said case is not applicable to the present facts of the case.

8. The learned counsel appearing for the petitioner by relying on *S.Muruganandam's* case submitted that in a given situation, the OP itself



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is not maintainable and the remedy for the respondent is to approach the regular Court under common law. The said submission made by the learned counsel for the petitioner is a legal submission and the same can be raised by him at the time of arguments.

9. In such circumstances, the petitioner has no right to cross-examine the landlord in the light of limited controversy involved in this case. Therefore, I do not find any error in the impugned order passed by the Rent Court.

Accordingly, all these Civil Revision Petitions are dismissed. No costs. Connected miscellaneous petition is closed.

**18.12.2025**

Index : Yes / No  
Speaking order : Yes / No  
Neutral Citation : Yes / No  
mp

To

1. The XIII- Small Causes Court, Chennai.
2. V.R.Section,  
High Court of Madras.



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**S.SOUNTHAR, J.**

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**C.R.P.Nos.6537, 6538 and 65398 of 2025**

**18.12.2025**