



C.R.P.(MD)Nos.2170 and 2171 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.2170 and 2171 of 2025

and

C.M.P.(MD)No.12755 of 2025

Sivakumar

...Petitioner(s)
(in both CRPs)

Vs.

S.Ramesh Kannan

...Respondent(s)
(in both CRPs)

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in IA Nos.3 and 4 of 2024 in RLTOP No.1 of 2021 on the file of the District Munsif cum Judicial Magistrate No.1, Kodaikanal, Dindigul District dated 10.07.2025 and to allow the Civil Revision Petition.

For Petitioner : Mr.C.Vakeeswaran (in both CRPs)

ORDER

These revision petitions have been filed seeking to set aside the fair and decreetal order passed in IA Nos.3 and 4 of 2024 in RLTOP No.1 of 2021, on the file of the learned District Munsif cum Judicial Magistrate No.1, Kodaikanal, Dindigul District, dated 10.07.2025.



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2. The revision petitioner is the respondent in I.A.Nos.3 and 4 of 2024.

The respondent herein filed the said applications seeking to reopen and restore the main petition in RLTOP No.1 of 2021, which had been dismissed as withdrawn. The trial Court allowed both the applications. Challenging the said common order, these civil revision petitions have been filed by the petitioner.

3.The learned counsel appearing for the revision petitioner would submit that the respondent/plaintiff filed an eviction petition in RLTOP No.1 of 2021 on the grounds of willful default in payment of admitted rent, claim for damages and for personal occupation of the premises for his business purposes. However, as there was no registered agreement in between the petitioner and the respondent, the respondent/plaintiff withdrew RLTOP No.1 of 2021 and the same was dismissed as withdrawn. Subsequently, upon realizing that his application was maintainable even on the grounds of default and personal occupation, the respondent filed I.A.Nos.3 and 4 of 2024 seeking to reopen and restore RLTOP No.1 of 2021. These applications were allowed by the trial Court vide order dated 10.07.2025. Challenging the said order, these revision petitions have been filed.

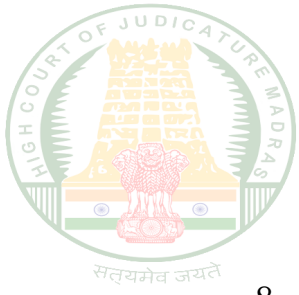


4. The learned counsel for the petitioner contended that once RLTOP No. 1 of 2021 was withdrawn by filing an application before the Rent Control Authority, the Authority had no power to review its own order. Therefore, the order passed by the trial Court is liable to be set aside. Accordingly, he prays this Court to allow these revision petitions.

5. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.

6. The facts in the present case are not disputed. Admittedly, the respondent/plaintiff withdrew RLTOP No.1 of 2021 and the same was dismissed as withdrawn. Thereafter, the respondent filed I.A.Nos.3 and 4 of 2024 seeking to reopen and restore RLTOP No.1 of 2021, in order to avoid multiplicity of proceedings between the parties.

7. Section 37(g) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, empowers the Rent Court to set aside any order of dismissal of any application or appeal for default or any other order passed ex-parte. Section 37(i) of the Act enables the Court to review its orders and decisions.



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8. By exercising powers available under Section 37 of the Act and Section 151 of Code of Civil Procedure, the trial Court rightly restored the case. Hence, no interference is warranted by this Court. Accordingly, these civil revision petitions are dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

06.08.2025

Internet: Yes/No

Index: Yes/No

PKN

To

1.The District Munsif cum Judicial Magistrate No.1,
Kodaikanal, Dindigul District.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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