



CRP(MD). No.2438 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.09.2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

**CRP(MD). No.2438 of 2025
and C.M.P.(MD)No.14614 of 2025**

V.Mohammed Surrek

... Petitioner

Vs.

S.Syed Abdul Kareem
Rep. by His Power Agent,
S.Syedhathim Ali

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 17.06.2025 rendered in I.A.No.5 of 2024 in RLTOP.No.22 of 2020 on the file of Learned Rent Control Tribunal (IIIrd Additional District Munsif, Tiruchirappalli) by allowing the Civil Revision Petition.

For Petitioner : Mr.S.Balasubramanian

For Respondent : M/s.J.Jafarullah Radhusa

ORDER

The instant civil revision petition has been filed challenging the order dated 17.06.2025 rendered in I.A.No.5 of 2024 in RLTOP.No.22 of 2020 on the file of Rent Control Tribunal (IIIrd Additional District Munsif, Tiruchirappalli).



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2. The learned counsel for the petitioner would contend that the respondent had filed an application under the provisions of the Rent Controller Act, seeking eviction of the petitioner on the ground of wilful default. He would submit that there was no registered tenancy and the respondent also sought to raise an additional ground for re-possession of the demised premise. Hence, the respondent had taken out the present application.

3. The learned counsel for the petitioner would further submit that after the counter was filed and the petitioner had been remitting the rent, the respondent having found that the grounds raised in the petition were not sustainable, attempted to include additional grounds, after the pleadings were completed and the matter was ripe for trial. He would further submit that such a course adopted by the respondent and approved by the Court below has caused grave prejudice to the petitioner. Therefore, he seeks indulgence of this Court to set aside the order passed by the Court below.



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4. I have considered the arguments advanced by the learned counsel on either side and perused the materials available on record.

5. There is no dispute regarding the relationship between the petitioner and the respondent. It is also admitted that the respondent originally initiated eviction proceedings against the petitioner on the ground of wilful default. The further ground which was available to him was not raised and is now sought to be introduced. The counter has been filed and the matter has been posted for enquiry and the trial is yet to be commenced.

6. In view of the same, the introduction of a new ground at the present stage cannot be said to cause prejudice to the petitioner. When a ground for eviction is available and the same is sought to be included to be amended in the manner known to law, refusal to permit such amendment would lead to multiplicity of proceedings. This Court therefore do not find any infirmity in the order impugned herein and for



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the reasons aforesaid, this Civil Revision Petition stands dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

24.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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TO

1. The Rent Control Tribunal
(IIIrd Additional District Munsif, Tiruchirappalli).
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.KUMARESH BABU,J.

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