



WEB COPY

CRP No. 825 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 825 of 2026 and
CMP.No.4396 of 2026**

R.Sohan Devi

..Petitioner(s)

Vs

Ajay Goswami

..Respondent(s)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the order dated 26.11.2025 passed in M.P.No.4 of 2025 in RLTOP No.166/2024.

For Petitioner(s): M/S.N.Seshadri

ORDER

The Civil Revision petition is filed challenging the order passed by the Rent Court dismissing the application filed by the petitioner/tenant under Section 36(2) of TNRRRLT Act seeking permission for cross-examination of respondent/petitioner in main OP.

2. The respondent herein filed a petition seeking re-possession under Section 21(2)(a) of the TNRRRLT Act, 2017. It is the case of the respondent that the petitioner is the tenant and she failed to enter into the tenancy arrangement under the provisions of TNRRRLT Act.



3. During enquiry in the main OP, the respondent examined himself by affidavit and thereafter, the instant application has been filed by the petitioner seeking right of cross-examination. The trial court dismissed the said application. Aggrieved by the same, the petitioner has come before this court.

4. The learned counsel for the petitioner submitted that the respondent is neither the owner of the premises nor the landlord and hence, the petitioner shall be given right of cross-examination. He further submitted that failure of the petitioner to enter into the lease arrangement is only due to the inaction on the part of the respondent and in the absence of written lease arrangement, the OP filed by the respondent is not maintainable.

5. As far as the maintainability of OP is concerned, it is a pure question of law and that petitioner can very well raise it before the Rent Court and advance arguments on the question of law. The petitioner need not be given right of cross-examination.

6. It is seen from the counter filed by the petitioner in the main OP, she admitted that there was a tenancy arrangement for the past 39 years. Further, Exhibit R1 is the lease agreement dated 22.04.2018 entered between the petitioner and the respondent. Therefore, it is clear that prior to coming into force of the Act, there was a rental arrangement. The petitioner has been occupying the premises under the rental agreement dated 22.04.2018. Now, eviction is sought for on the ground that the petitioner failed to enter into new agreement as per the provisions of TNRRRLT Act. When there is no dispute



with regard to the jural relationship, the petitioner is not entitled to right of cross-examination as per the law settled by case law in ***J.Thennarasu Vs Anita Nalliah in CRP.(PD).No.2532 of 2021***. The trial court rightly relied on the ratio laid down in the above mentioned case law and dismissed the application filed by the petitioner seeking right of cross-examination. I do not find any error in the impugned order passed by the trial court.

7. In view of Section 36(2) of TNRRRLT Act, the petitioner is entitled to examine herself through affidavit before the Rent Court.

8. With this clarification, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

19-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
nr

To
The XII Judge, Court of Small Causes, Chennai.



WEB COPY

CRP No. 825 of 2



S.SOUNTHAR, J.

NR

CRP No. 825 of 2026

19-02-2026