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CRP No. 2683 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2683 of 2025 and CMP No.15137 of 2025

1. R.Murugesan
S/o.Rajalingam, Prop.M/s.Siva Traders,
Door No.35/80, Old Door No.64/65,
Ground Floor, Malayaperumal Street,
Chennai - 600 001.

Petitioner(s)

Vs

1. S.Ganesh Kumar
S/o.Late K.Subramanian, No.35/80, Malaya
Perumal Street, Sowcarpet, Chennai - 600
001.

Respondent(s)

Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decretal order dated 21.06.2025 in MP No.2 of 2024 in RLTOP No.185 of 2024 on the file of XIV Small Causes Court, Chennai.

For Petitioner(s): A.E.Ravichandran

For Respondent(s): M/s.G.Saibaba



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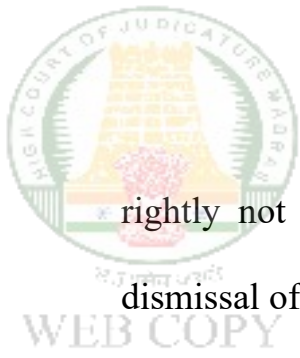
ORDER

Challenging the order passed in MP No.2 of 2024 the petitioner has filed the above revision.

2. Before the trial Court, the petitioner has filed an application in MP No.2 of 2024 praying to permit him to cross examine P.W.1 and the same was dismissed by the trial Court. Aggrieved over the same, the petitioner has filed the present revision.

3. Learned counsel for the petitioner submits that the respondent/landlord has initiated RLTOP proceedings for other shops which are not under his occupation and clubbing all other properties, the respondent has filed a petition which is not permissible and the petitioner is paying rent to the sister of the landlord and as on date there is no arrears of rent and therefore, the learned counsel for the petitioner prays to set aside the order passed by the trial court.

4. Per contra, learned counsel for the respondent submits that originally in the year 2003, lease agreement was entered into in respect of Shop Nos.5,6,2,3 and 1, but, as on date, as per the new Act, there was no written agreement between the petitioner and the respondent and there are jural relationship between them and the trial Court has



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rightly not permitted the petitioner to cross examine P.W.1 and therefore prays for dismissal of the revision.

5. Considered the submissions made by the learned counsel on either side and perused the materials available on record.

6. As on date, the other shops have been enjoyed by the family members of the petitioner viz. Wife and Son and they were not arrayed as parties to the proceedings nor the respondent has initiated any separate proceedings, without which, the application is not maintainable. Besides that the sister of the respondent is receiving the rents from the petitioner and to that effect he wants to cross examine P.W.1. The trial court has not admitted the jural relationship. Therefore, the findings of the trial court requires interference.

7. On perusal of the records, in the year 2003, there was a lease agreement between the petitioner and the respondent and no other new agreement was entered into between them. Admittedly, the respondent is the subsequent purchaser. According to the petitioner, he is not entitled to any tenancy agreement, which was stoutly denied by the respondent stating that after purchase, the respondent has become the landlord.



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8. As per that agreement, all the shops were given on lease to the petitioner only and as on date, the petitioner claims that his wife and son are running other shops, which is an internal arrangement in the family. The trial Court observed all these things and held that even if the premises is under the occupation of the petitioner, it will not affect the jural relationship and by considering the ratio laid down by this Court in the case of **J.Thennarasu VS Anita Nalliah in CRP (PD)No.2532 of 2021 dated 05.08.2022,** the trial Court has rightly held that allowing cross examination is not proper and it is not necessary to give such permission to cross examine P.W.1 which requires no interference.

9. In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.04.2026

sr
Index:yes/no
Website:yes/no
Speaking Order/Non-speaking Order



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The XIV Small Causes Court, Chennai



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