Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 6841 of 2026

CNR: {HCMA012385752026}

K.M.Mohamed Noordeen (Deceased),

Ahamed Jameel Hussain
S/o. Late K.M.Mohammed Noordeen,
Residing at No.10, 3rd Floor,
Kasi Chetty Street, Chennai-600 079

..Petitioner(s)

Vs

K. Hamsa and Co
Rep by its Proprietor Abdul Azeez,
Old No.10/1, New No.19/1, Kasi Chetty Street,
Sowcarpet, Chennai-600 079.

..Respondent(s)

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 24-09-2026 passed in RLTA No.5/2025 on the file of the XVII Additional City Civil Court, Chennai, confirming the order and decreetal dated 26-11-2024 passed in RLTOP.NO 823/2022 on the file of Learned Rent Controller/XII Small Causes Judge.

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For Petitioner(s): Mr. Sheik Mohammed Rafiq A M

For Respondent(s): Mr.S.Thangasivan

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Rent Tribunal, confirming the order passed by the Rent Controller, dismissing the application filed by the petitioner seeking re-possession.

2. The petitioner herein filed RLTOP No.823 of 2022 under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act against the respondent. The said OP was dismissed by the Rent Controller on technical ground that the petitioner failed to implead all the partners of the partnership concern. The said order passed by the Rent Controller may not be correct as the Firm can sue or be sued in its own name. It is also seen from the typed set of papers that the petition for re-possession was filed against one of the partners of the Firm. In such circumstances, the technical point on which the petition was dismissed by the Rent Controller may not be sustainable. Aggrieved by the order passed by the Rent Court, the petitioner preferred an appeal in RLTA No.5 of 2025 before the Rent Tribunal. The Rent Tribunal, dismissed the appeal, confirming the order of dismissal passed by the Rent Controller, however on a different ground.

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3. It is not in dispute that the respondent has been inducted as a tenant of the subject property under the predecessor in interest of the petitioner. The petitioner and his two brothers had purchased the suit property from the original owner and the respondent continued the tenancy under the purchasers. After coming into force the TNRRRLT Act, the petitioner individually issued a notice calling upon the respondent to enter into a lease agreement with him under the provisions of the new Act, as if he was the absolute owner of the property. since the call given by the petitioner was not complied with by the respondent, instant RLTOP has been filed by the petitioner seeking repossession.

4. The Rent Tribunal has taken a view that the petitioner cannot claim himself as an absolute owner of the property and he is only a co-owner of the property and in such circumstances, it is not open to the petitioner to compel the respondent to enter into a lease agreement with him alone. It is not in dispute that the petitioner filed similar petitions against the other tenants and those petitions were dismissed by this court in CRP No.823 of 2026 and RP No.2761 of 2026 mainly on the ground that the petitioner cannot claim himself as an absolute owner of the property and hence he cannot invoke Section 21(2)(a) of the Act in his individual capacity, without impleading the co-owners. Following the dictum land down by this court in the above said civil revision petitions, the Rent Tribunal non suited the petitioner and dismissed the appeal.

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5. Even as per the admitted case of the petitioner, the property was purchased by him along with his two brothers. Therefore, the petitioner is not entitled to compel the respondent/tenant to enter into the agreement within him only as landlord. The reasoning given by the Rent Tribunal cannot be faulted and hence, there in no necessity to interfere with the impugned order passed by the Rent Tribunal. Hence, this civil revision petition stands dismissed.

6. It is made clear that the dismissal of the Civil Revision Petition will not come in the way of the petitioner filing a fresh OP seeking repossession against the respondent by impleading all the co-owners of the property. If any such petition is filed, the respondent/tenant shall deposit the Rent including arrears if any to the credit of such OP.

7. With these clarifications, this civil revision petition is dismissed. There shall be no order as to costs.

29-10-2026

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

1. The XVII Additional Judge,
   City Civil Court, Chennai.

2. The XII Judge/Rent Controller,
   Small Causes Court, Chennai.

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S.SOUNTHAR, J.

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29-10-2026

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