

BEFORE THE PRINCIPAL RENT TRIBUNAL
CITY CIVIL COURT, CHENNAI

Present: **Thiru. S. Karthikeyan, M.A., M.L., M.Sc., P.G.D.C.F.Sc., P.G.D.D.F.,
Appellate Authority/Principal Judge**

Wednesday, the 17th day of June 2026

Tr.O.P.No.18/2026
(TNCH01-003886-2026)

Meenambigai

..Petitioner

vs

B. Sivanantham

....Respondent

This petition came up on 15.06.2026 before this court for clarification in the presence of M/s. K. Jothisivam, V. Naveenkumar, the Counsel for the petitioner and of M/s. R. Amizhdhu, S. Parimala Amizhdhu, Saranya.M, A. Athithya Keshav, the Counsel for the respondents and upon hearing both side counsels and on perusal of the records, this Court delivered the following :

ORDER

The respondent in RLTOP.No.621/2025 has come up with the present application seeking for transfer of said RLTOP from the file of Rent Court (X Small Causes Court, Chennai) to any other Rent Court within the jurisdiction of this court.

2. The petitioner, in her petition, submitted as below:

(a) The petitioner herein is the respondent/tenant in the main case in R.L.T.O.P. No. 621 of 2025, which has been filed by the respondent/landlord for eviction under section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenants Act (in short TNRRRLT Act) without any legal basis and the same is pending before the X Small Causes Court, Chennai. The Respondent/landlord has not furnished the copy of the documents filed by him the in the aforesaid main RLTOP case at the time of entering of the appearance. Therefore, the petitioner has

filed counter in the aforesaid main RLTOP case based on the actual facts. Thereafter, the respondent has furnished the said documents by the counsel on record of the Respondent/applicant and the same was clearly revealed the actual fact that the property belongs to the Sree Thiruvalléeswarar Devasthanam, Padi, Chennai 600 050 under the Hindu Religious & Charitable Endowments (HR & CE) Department. The aforesaid Sree Thiruvalléeswarar Devasthanam, Padi, Chennai 600 050 executed lease deed in favour Mr. R. Balaraman vide lease deed document No. 2504 of 1971 dated 28.03.1971 and the said documents clearly mentioned that lease deed executed for residential purpose of Mr. R. Balaraman, the father of the respondent herein and specifically stated that the property should not be sub-leased to others and the same was intentionally suppressed by the Respondent before the Trial Court and as per the lease deed the Respondent has no right to let out the temple property to others.

(b) As per the settlement deed, the respondent/applicant and 2 others namely (i) Sivanandhan (ii) Udhayamoorthy (iii) Saranya are mentioned and they have not given any authorization or permission for the respondent/applicant to file the aforesaid main case against the petitioner/tenant before the Trial court. As per Section 3(c) of the TNRRRLT Act the aforesaid main case is not maintainable before the Trial Court and the trial Court has no jurisdiction to entertain the main petition filed by Respondent/applicant. Due to the valid grounds raised by the petitioner herein, unable to digest the same, the respondent/landlord wantonly & intentionally giving unwanted trouble to the petitioner premises with evil intention. The main petition filed by the Respondent/landlord is without any jurisdiction and the court fee also not properly valued and paid by the respondent/landlord before the trial court. Hence, the petitioner filed Interim application to set aside the main case in R.L.T.O.P.No.621 of 2025 in C.M.P.S.R.No.4019 of 2026 and the same were dismissed by the trial court by order dated 06.02.2026.

(c) The learned rent controller has failed to note that the main case also not maintainable and has wrongly decided that, if this petition is not allowed how the tenant is having his possession in the rental Residential portion and on dismissing this

interim application it is impliedly pressurizing the petitioner to vacate the rental portion. The petitioner is running the shop in the petition property for more than 20 years and this interim dismissal order is against the rental law and the petitioner preferred revision against the said dismissal order before the Hon'ble High Court at Chennai. In view of the aforesaid valid reasons and to bring the truth, the petitioner filed petition to permit her to file additional counter in the main RLTOP on 10.02.2026 and at the time of calling the petitioner's counsel on record represented the same before the Hon'ble Court and case was posted for check and call on 13.02.2026 and only after verifying the E-court status, she came to know that the petition was rejected without giving any opportunity to the petitioner to clarify or explain the petition before the Court.

(d) The learned rent controller has failed to note that the court has jurisdiction to decide the interim application to permit her to file additional counter in the aforesaid main case and also reject the main petition in RLTOP No.621 of 2025. The learned rent controller wrongly mentioned in the order that there is no specific provision for rejection of main RLTOP petition in M.P.S.R. No. 4019 of 2026 under the act and the dismissing interim applications is for an implied order for evicting the tenant from the rental portion and closed the door of the appellant rights before the court of law. Trial court dismissed the petition on hyper technical grounds and the very simple remedy for tenant's rights refused through this dismissal order will lead to this petitioner to vacate the rental portion on withdrawing her valuable defense on her side evidence in main RLTOP. If the trial is continued before the said Court, this petitioner's vital submissions to bring the truth before the said court will be rejected by the trial court. While the petitioner preferring Civil Revision petition before the Hon'ble Madras High Court at Chennai, without giving sufficient opportunity to the petitioner, the trial court posted the aforesaid main case in RLTOP No.621 of 2025 for rejoinder if any or summary enquiry and further without giving sufficient opportunity to bring the truth the trial court hurriedly continuing the proceedings and the same is against the procedure prescribed by the law and natural justice. The petitioner

apprehends that she has no fair chance of success before the trial court. Hence, she prays for transfer.

3. The respondent, in his counter, contended as below:

(a) The respondent has filed the main RLTOP with all required and essential averments along with required documents as such there is no need for the Petitioner to seek permission for filing additional Counter. The nature of the property and all other essential and required details were not only mentioned in the RLTOP proceedings but also it was made known to the Petitioner in the written statement filed by this Respondent in O.S.No.2384 of 2025 before the XI Asst. City Civil Court, Chennai as Defendant therein on 19.08.2025 itself. It is relevant to state that the Petitioner did not whisper anything about the pendency of the Suit before XI Asst. City Civil Court, Chennai. In the Civil Suit filed by the Petitioner in O.S.No.2384 of 2025, the only grievance raised in the Suit was seeking Permanent Injunction restraining this Respondent or his men or agents from dispossessing this Petitioner without due process of law. The main allegations stated therein was that the Respondent herein was attempting to dispossess her without following the procedure of law. An Application was filed seeking Interim Injunction in I.A.No.2 of 2025 and the same was dismissed by the XI Asst. City Civil Court, Chennai on 16.10.2025 observing that the Petitioner herein is not entitled to get any Interim-Relief and specific finding was given as the Petitioner herein is operating the machines without any license from 01.04.2025, which is per se illegal and the Petitioner did not pay the rent from January 2025.

(b) The dismissal of IA.No. 2 of 2025 has become final as it was not challenged in a manner known to law as on date. The Petitioner herein was examined as PW1 and fully cross-examined and in her deposition, she had admitted that she did not pay any rent after April 2025 and she did not have license to operate the Flour Mill after 01.04.2025. She could not substantiate her claim that she paid a sum of Rs.2,00,000/- as additional advance to this Respondent. PW2 who is none other than her husband was examined and he had given diagonally contradictory statement.

When the case was posted for Defendant evidence, the Petitioner herein filed an Application under Order 1 Rule 10 (2) of CPC to include some of the parties to the Suit. The parties who were sought to be impleaded at that late hours are neither necessary party or proper party considering the pleadings in the Plaint and the Deposition recorded so far and the suit is pending.

(c) The Respondent has filed the RLTOP under Sec 21 (2)(a) of TNRRRLT Act, 2017 and the main ground is that there was no valid written and Registered Rental Agreement between the parties as per sec 4 of the said Act. It is the admitted case of the Petitioner herein that there is no rental Agreement as contemplated in the Act and which is mandatory requirement to continue to have the possession of the Rental property. The averments in the Plaint coupled with the facts of the contents of the deposition and the counter filed in the RLTOP have clearly established that there is no written and registered Rental Agreement after the commencement of the special Act. In the absence of the Agreement as contemplated under Sec 4 of the Act the Landlord shall have the right to get the repossession of the property under Sec 21 (2) (a) of the Act. This is the Special Act and has to be conducted in a Summary manner.

(d) The Petitioner was filing Petition after Petition to protract the proceedings and the Hon'ble X Small Causes Court has liberally granted time to ventilate the grievances of the Petitioner. The Petition filed in M.P.S.R.No.4019 of 2026 to conduct preliminary enquiry with respect of maintainability of RLTOP was rightly rejected after hearing the Counsel and rightly concluded there cannot be any preliminary issue that can be raised with regard to the maintainability at that stage and the same can be considered while at the time of argument of the main RLTOP. The Petitioner has also raised the issue of insufficient Court Fee. The Hon'ble Court has concluded that the same can also be considered at the time of main argument. Aggrieved by the dismissal of the Application in MP. SR.No.4019 of 2026, it was reported that the Petitioner interested to pursue CRP against that Order. Strangely a CRP was filed with defects and the same was numbered only on 30.03.2026 even though the Order was passed on 06.02.2026.

(e) The Petitioner herein has also reported of filing this TR.O.P before this Hon'ble Court on 13.02.2026, but failed to serve notice to the Respondent and only on 23.03.2026 when this Court instructed him to serve notice on the Counsel appearing in the Lower Court, a notice was served without any TR.O.P papers. After the receipt of private notice for the hearing on 27.03.2026, the Respondent appeared before the Court and an undertaking was given to file Vakalath. On 30.03.2026, the Vakalath was filed and only after the request to furnish the copy of the Petition, the Counsel for Petitioner has furnished the same. The conduct of the Petitioner would clearly show that she was bent upon to drag the proceedings and to squat upon the property without paying rent as well as without having any valid license to run the Flour mill in the name and style of "Jeevaramana Flour Mill ". The lease deed executed between the father of this Respondent and Temple is no way connected with the dispute that is pending in RLTOP. Even it is relevant that the said document was already produced before the Court and the same can be argued while at the time of advancing argument in RLTOP.

(f) As rightly pointed out by the Rent Control Court that there was no dispute of landlord and Tenant relationship as such the Ownership of the property cannot be raised in the proceedings. It is an admitted fact in the Complaint filed in the Suit and the Counter filed in the RLTOP that this Respondent is the Landlord and the amount of rent was collected by him as such the relationship of the landlord and the Tenant was not denied and hence the registered Lease deed with regard to the land entered between the father of this Respondent and the Temple has got no bearing on the issue to be decided in the RLTOP. Moreover, if at all if the Petitioner aggrieved by the Order of the Court she has got right to Appeal against the Order and dismissal of her Petition can be challenged in a manner known to law but cannot be a ground to throw allegations against the presiding officer and cannot be ground to be entertained to transfer the Petition.

(g) Whether the RLTOP is maintainable or not, whether the proper court fee was paid or not and any plausible defense was made out to conduct any trial are all

matters of fact and the same has to be regulated by the Rent Controller under Sec 36 of the Act and if at all if the Petitioner is aggrieved by any Order passed by the Rent Controller the same can be challenged in a manner known to law and the Rejection of those Applications cannot be a ground for Transfer of the Case. This Transfer Petition is nothing but an abuse of process of law and making unnecessary unsubstantiated and unreasonable allegations against the presiding officer of the Court may not be taken lightly and this Transfer Petition has to be dismissed with exemplary costs. She failed to elaborate on the Order passed by the XIth Asst. City Civil Court, Chennai in IA No. 2 of 2025 and the pendency of the Suit and its stage in which it was pending before the Court.

(h) The Transfer of the proceedings is not the relief that can be granted to the Petitioner on the basis of the averments stated in this Petition. The Trial Court has given sufficient time in each and every stage of the Case as such the allegation that the Trial court was rushing the case is unfounded and unsustainable. This averment was made by the Petitioner is nothing but a fraudulent and a frivolous one and such allegations should not be entertained in the Interest of Justice. On 30.03.2026, when the matter was posted for the arguments in main Petition, this Petitioner took time to argue the matter and once again pleaded for time to argue the matter. The case is posted to 06.04.2026, either for this Petitioner (as Respondent in RLTOP) for arguments as last chance or for the Orders. When the matter had reached the final stage of hearing, the arguments of the Respondent to entertain the Transfer Petition will prejudice the right of this Respondent. Already they took time from December onwards and successfully dragged the case for the last more than 4 months. If they are allowed to drag the proceedings for the further period then the objects and reasons for framing of the Act and the very purpose of the Act will be defeated by this unscrupulous element.

(i) The petitioner is a person who had committed willful default in paying the rent, who is operating the machines without valid license and the person who did not have legally and statutorily accepted written registered Lease deed shall not be

allowed to protract the proceedings with an aim to illegally gain herself without paying the rent, illegally and unlawfully operating the machines without having valid license and without the sanction of law of having registered agreement as per Sec 4 of the Act should not be permitted to make allegations against this Respondent and especially as against the Presiding Officer of the Court. The unsubstantiated and uncharitable allegations as against the presiding officer shall be nipped in the bud and the reasons stated are all concocted facts, false, frivolous and fraudulent as such this Petition for Transfer has to be dismissed with exemplary costs.

4. Both side heard. Trial court records are called for and perused.

5. The point for determination is,

Whether the rent control proceedings in RLTOP.No.621/2025 is to be transferred from the Rent Court/X Small Causes Court, Chennai to any other rent court?

6. Answer:

This court has given its thoughtful consideration to the rival submissions put forth by either side. The respondent in RLTOP.No.621/2025 has approached this Tribunal seeking for transfer of the Rent Control Proceedings in RLTOP.No.621/2025 to any other Court. According to the petitioner, she is the tenant under the respondent and the respondent has filed the petition for eviction u/s.21(2)(a) of Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenants Act (hereinafter called as "the **Act**"). The learned counsel for the petitioner submitted that the respondent has not furnished the copy of the documents filed by him in the main RLTOP. However, the petitioner has filed the counter based on actual facts. Only thereafter, the respondent furnished the said documents and from that the petitioner learnt that the property in question belongs to Sree Thiruvalleeswarar Devasthanam, Padi, Chennai. The said fact was intentionally suppressed by the respondent. The petitioner further learnt that Sree Thiruvalleeswarar Devasthanam, Padi, Chennai executed a Lease Deed in favour of the father of the respondent Mr. R. Balaraman vide Lease Deed Doc.No.2504/1971 dated 28.03.1971. As per the said lease deed, the

property should not be sub-leased to others. The said factum was also intentionally suppressed by the respondent. Therefore, according to the learned counsel for the petitioner, the petition is not maintainable u/s.3 of the **Act**. The petitioner has filed an interim application to set aside the main proceedings and the same was dismissed by the Rent Court by order dated 06.02.2026. The said order is passed without considering the fact that the petitioner is running a shop in the petition mentioned property for more than 20 years. Therefore, the petitioner has filed a petition to permit her to file additional counter in the aforesaid case on 10.02.2026, which was posted to check and call on 13.02.2026. On verification of the e-court status, the petitioner found that the petition was rejected without giving any opportunity to the petitioner to clarify or explain the maintainability of the said petition. According to the learned counsel for the petitioner, the Rent Court has jurisdiction to decide the interim applications seeking permission to file additional counter and to reject the main RLTOP which were rejected illegally by citing that there is no provision for rejection of RLTOP. The petitioner has preferred CRP before the Hon'ble High Court, Madras. Learned counsel for the petitioner further submitted that the Rent Court has dismissed all the applications filed by her and therefore, according to the learned counsel for the petitioner, the rent court is highly prejudiced in favour of the landlord/respondent herein and therefore, she has reasonable apprehension that she may not get justice, if the case is proceeded in the said court. Hence, prays for transfer.

7. On the other hand, the learned counsel for the respondent contended that the respondent has filed an eviction proceedings under the new **Act**. The said **Act** has no provision to reject the rent Court proceedings or to try the same as preliminary issue as in the case of Code of Civil Procedure. Therefore, the Rent Court is right in rejecting the said applications. If at all the petitioner aggrieved by the rejection, she has to approach the Appellate Court. But, the petitioner has filed several frivolous applications with an intention to drag on the proceedings and the same were rightly rejected by the learned Rent Court. If at all, the petitioner is aggrieved by the said

rejections, he has to approach only the appellate forum or the Hon'ble High Court, Madras. Suffering adverse orders from the Rent Court cannot be a ground to seek for transfer. The learned counsel for the respondent relied on the decision of the Hon'ble Apex Court, in Nilesh C. Ojah Vs. High Court of Judicature at Bombay through Secretary and others" to say that "a litigant aggrieved by a judicial order is undoubtedly entitled to question its correctness before a higher forum. However, the legitimacy of such challenge rests upon civilized and temperate criticism of the judicial determination and not upon insinuations directed at the integrity or neutrality of the Judge. A clear distinction must be maintained between assailing the correctness of a judicial decision and personalizing the grievance by attributing motives to the Judge concerned". According to the learned counsel for the respondent, throwing allegations against the Judge is highly deprecated by the higher forums. Therefore, he prays for dismissal of the above transfer petition.

8. From the submissions of the learned counsels and on perusal of the record, it is found that the respondent herein has approached the Rent Court/X Small Causes Court, Chennai for eviction of the petitioner herein u/s.21(2)(a) of the **Act**. It appears that the petitioner has approached the Rent Court seeking for rejection the rent control proceedings primarily on the ground that the property belongs to one A/m. Thiruvalléeswarar Devasthanam, Padi, Chennai and the original lease agreement entered into between the temple and its tenant has no provision for sub-lease. The said plea is completely against law. The petitioner, being a tenant, during the continuance of the tenancy, estopped from denying the title of the landlord as per Sec.116 of Indian Evidence Act corresponding to Sec.122 of BSA.

9. It appears that the learned Rent Court has rejected the said application primarily on the ground that there is no provision for rejection of Rent Control Proceedings under the **Act**. It is needless to state that the said **Act** is a complete Code and one who claims relief under the said Act should follow the procedures prescribed under the said Act and none else. Therefore, this court do not find any infirmity in the

order passed by the learned Rent Court. However, the petitioner herein feeling aggrieved by the said rejection, approached the Hon'ble High Court, Madras by way of CRP and the same is pending.

10. Subsequent to the rejection of the application filed by the petitioner herein, the petitioner has filed several applications seeking for several other reliefs and it appears that those applications were also rejected by the Rent Court. Therefore, the petitioner apprehends that the Rent Court has prejudicial in favour of the respondent.

11. It is well settled that a litigant who suffered an adverse order, if feeling aggrieved by the orders of the Court has to approach the higher forum or appellate authority and any other legal course available under the Law. Merely because, she suffered certain adverse orders at the hands of the Court, she should not throw allegations against the Judges, directly touching upon their integrity and impartiality. As contended by the learned counsel for the respondent, time and again, such tactics have been deprecated by the higher forum. The present petition is nothing but an attempt to thwart the legal proceedings initiated against the petitioner and thereby delaying the eviction. It is also well settled position of law that a transfer of proceedings can be ordered only under compelling circumstances and not by mere asking sake. The litigant's apprehension without any basis cannot be a ground for transfer. The present application is based on mere assumptions and conjectures. Therefore, this court found no merits in the present application and therefore, no hesitation to dismiss the same. Accordingly, this petition is dismissed. No costs.

Dictated to the Stenographer, typed by her, corrected and pronounced by me in the open Court, this the 17th day of June 2026.

Appellate Authority/Principal Judge.

Copy to
Presiding Officer,
Rent Court, X Court of Small Causes,
Chennai.

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Draft/Fair Order
Tr.O.P.No.18/2026
Dated :17.06.2026
Principal Court.