

IN THE III ADDITIONAL CITY CIVIL COURT, CHENNAI

**Present: Tmt.K.Geetha Rani, M.A., M.L.,
III Additional Judge,**

Monday, the 4th day of August, 2025

**I.A.No.1 of 2025
in
R.L.T.A.No.97 of 2025**

A.Jamal Mohamed, S/o. N.Abdul Aziz, Muslim, aged about 55 years, residing at No.175/75, Portugese Chruch Street, Sevenwells, Chennai – 600 001.

.... Petitioner/ Appellant

Vs.

1. G.Davarram,

2. Mrs. D.Puspha,

Both are residing at No.36/45, 3rd floor, Venkatraman Street, Chennai – 600 001.

3. M/s. National Book House, Prop. Mr.Mohideen, residing at Old No.14, New No.2, Pycrofts Road, (Bharathi Salai), Chennai – 600 005.

4. Mr.L.Mohindeen, residing at No.37/B2, Masilamani Road, Balaji Nagar, Royapetta, Chennai – 600 014.

.... Respondents/Respondents

This petition came up on 28.07.2025 day for final hearing before this Court in the presence of M/s. OM Sai Ram Law Firm LLP and S.T.Raja Counsels for the Petitioner/Appellant and of M/s. K.P.Ashok Counsels for the respondent 1 and 2 and upon hearing the arguments of both sides and having stood over for consideration till this day, this Court delivered the following:

ORDER

This petition filed to pass an order of an stay all further proceeding in RLTOP No.456 of 2020 pending on the files of the rent court/XIV Small Causes Court, Chennai.

2. The averments in the petition in short as follows:

The petitioner herein is the Appellant in the main RLTA. The petitioner advised to submit that Exhibit P-11 and P-12 are unstamped documents and it is duty of court to impound however, the same was done. Thereafter, the petitioner had filed a petition to impound the same vide IA. No.4 of 2024 in RLTOP No.456 of 2020. However, said petition is dismissed on ground that once documents is admitted same cannot be questioned. The petitioner have advised to submitt the above said grounds against the victim of Hon'ble Apex Court and therefore impunged order dated 9.6.2025 is liable to be set aside. He further stated that having passed erroneous order dated 9.6.2025 the trial court insisting the petitioner to continue the cross unless procedure laid down uunder section of Stamp is undergone purpose of proceeding with the cross will be determental to my rights. Hence it is just a necessary to stay the further proceedings of RLTOP otherwise he will be put into irreparable untold agony and loss inflicted on such a eviction will not compensate in terms of money. Hence the petition.

3. Brief averments stated in the Counter filed by the 1st and 2nd respondent in short as follows:

The 1st respondent herein is the 1st respondent in the above RLTA. The 2nd respondent herein is his wife and he filed this counter affidavit on her behalf also. The above appeal itself are not maintainable and liable to be dismissed. The above appeal is not at all maintainable since only CRP can be filed against Interlocutory order in a miscellaneous petition. Hence only CRP that too only under Article 227 OF THE CONSTITUTION OF INDIA alone can be filed. Hence the above appeal should not even have been numbered and no stay petition can be allowed or ordered at all maintainable. The 1st respondent further states that the above appeal and the stay Petition as well as also the petition filed in MP No. 4 of 2024 in main RLTOP before the court below, are all nothing but most malicious and Vexatious attempt one after the other by the petitioner who is hell bent to purposely drag on, protract and prolong the matter by squatting on the premises without even paying the huge arrears of rents/damages due by the petitioner . The above said petition in MP No. 4 of 2024 in the RLTOP for directing the rental agreements and impounding, and also the above appeal, are all most vexatious, frivolous and a total abuse of process of law and are liable to be dismissed in limine as the same is neither sustainable in law nor on facts. The 1st and 2nd respondents filed the above main RLTOP for eviction against the petitioner and his firm and partner namely the 3rd and 4th respondents herein, long ago in 2020 more than 5 years ago. The petitioner herein alone is contesting the same and has been vexatiously, maliciously and frivolously protracting and prolonging the matter indefinitely by going on filing some or the other petition. I was examined long ago in chief as PWI nearly four years and the petitioner

herein is vexatiously protracting and prolonging and going on filing some or the other petitions after petitions and misusing the legal process. The petitioner is not at all completing the cross examination for nearly 3 years and going on filing some or other petition when the evidence is closed. Several petitions and Mps already filed by him every now and then vexatiously in the RLTOP to protract and prolong the matter. In fact the Hon'ble High court in CRP No. 360 of 2023 passed an order dated 19.4.2023, by directing the Trial Court to dispose off the above RLTOP within 4 months by order dated 19.4.2023. The same has been duly communicated to the Trial court. The said period of 4 months expired long ago. Even now the petitioner herein is deliberately violating the said order and prolonging the matter. The 1st respondent further submit that PW1 (myself) was examined in chief and the said Ex. P11 and P12 were marked long ago in presence of the petitioners counsel and chief completed on 28.10.2021 more than two years ago. No such objections were made by the petitioner for more than 2 years before when the said documents were marked. The petitioner went on prolonging and taking time for cross examination and finally when the Hon'ble High court passed orders for early disposal, the petitioner's counsel just started the cross examination on 12.4.2024 and without even completing the same took adjournment and thereafter suddenly filed the above petition in MP No. 4 of 2024 in the RLTOP, by vexatiously objecting to the said Ex P11 and Ex.P12 after more than 2 years after they were marked as exhibits. The 1st respondent was examined in chief as PW1 and the said documents marked and the chief examination completed on 28.10.2021 The petitioner herein deliberately kept prolonging the matter and ultimately on 22.9.2022 almost one year later my evidence of PW1 was closed and already earlier similar petitions were filed by the petitioner herein in MP Nos. 1/2022 and 2/2022 for reopening and recalling PW1, since already earlier long

back the evidence of PW1 was closed due to the non-appearance of the petitioner herein and due to his non-co-operation to cross examine PW1 and already PW1 evidence was closed since the petitioner deliberately did not come forward to cross examine PW1 inspite of several opportunities. However, to avoid further delay, the respondents stated no objection for the said MP Nos. 1 and 2 for reopening and recalling PW1 and the same were allowed by order dated 5.12.2022 on condition that the petitioner herein has to conduct the case for cross examination on 20.12.2022 but the petitioner herein did not come forward to cross examine and went on taking time on false examination and finally when the Hon'ble High court passed orders for early disposal, the petitioner's counsel just started the cross examination on 12.4.2024 and without even completing the same took adjournment and thereafter suddenly filed the above petition in MP No. 4 of 2024 in the RLTOP, by vexatiously objecting to the said Ex P11 and Ex.P12 after more than 2 years after they were marked as exhibits. The 1st respondent was examined in chief as PW1 and the said documents marked and the chief examination completed on 28.10.2021 The petitioner herein deliberately kept prolonging the matter and ultimately on 22.9.2022 almost one year later my evidence of PW1 was closed and already earlier similar petitions were filed by the petitioner herein in MP Nos. 1/2022 and 2/2022 for reopening and recalling PW1, since already earlier long back the evidence of PW1 was closed due to the non-appearance of the petitioner herein and due to his non-cooperation to cross examine PW1 and already PW1 evidence was closed since the petitioner deliberately did not come forward to cross examine PW1 inspite of several opportunities. However, to avoid further delay, the respondent stated no objection for the said MP Nos. 1 and 2 for reopening and recalling PW1 and the same were allowed by order dated 5.12.2022 on condition that the petitioner herein has to conduct the case for cross

examination on 20.12.2022. Again the petitioner herein did not come forward to cross examine and went on taking time on false. It is usual habit of the petitioner to go on filing some or the other petitions. The petitioner is committing contempt of court by deliberately prolonging the matter. The above RLTOP is summary proceeding and in fact there is no need or necessity to even cross examine PWI and the petitioner is not having any right, rhyme or reason to cross examine in this RLTOP proceedings, since admittedly there is no written agreement for rental after the act came into force. The main RLTOP is pending for more than 5 years and if the above petition is allowed we will be put to grave and irreparable loss, hardship and injury.

4. Point for consideration:

Whether this petition is to be allowed or not?

5. Point :

The petitioner has been filed to stay the further proceedings in RLTOP 456/2020 in RLTA 97/2025.

Heard both side. The contention of the petitioner is that he filed the unstamped document in Ex.P11 and Ex.P12 and it is need stamp duty penalty, hence it has to be impound however, the same was done. Thereafter the petitioner filed petition to impound the same vide I.A.No.4/2024 in RLTOP 456/2020. However the said petition was dismissed on the ground that once the document is admitted the same cannot be questioned. I have advised to submit the above said grounds against the dictum of Hon'ble Apex Court and therefore impugned order dated 9.6.2025 is liable

to be set aside. The petitioner further stated that having passed erroneous on 9.6.2025 now the trial court insisting the petitioner to continue the cross. unless procedure laid down under section of Stamp is undergone purpose of proceeding with the cross will be detrimental to my rights. Hence it is just a necessary to stay the further proceedings of RLTOP otherwise the petitioner will be put into irreparable untold agony and loss inflicted on such a eviction will not compensate in terms of money. Hence the petition.

6. Whereas in the counter the respondent has denied the very filing of this appeal against the order passed in I.A.4/2024 in RLTOP No.456/2020 for the reason that against the order passed in I.A. no appeal will lie the petitioner is aggrieved if at all he wants file an appeal against the order he has to prefer revision only. Hence he wanted the matter to be dismissed.

7. Considering the arguments of both side and considering the arguments made by the learned counsel appearing for the respondent are as per sec.38 of RLTOP appeal can be filed only against the final order, no appeal can be filed against the Interlocutory Order in a miscellaneous petition. Considering the arguments appeal will be filed only against the final order if the order passed is not final order, against the interlocutory or miscellaneous order right to appeal is depends on the specific order u/s.104 r/w order 43 rule 1 of CPC. Allows appeals only against the interlocutory orders Not every miscellaneous order is appealable and against any miscellaneous or interim order no appeal ordinarily lie. The appeal allows against only certain type of order such as orders avoiding compensative cost u/s.35(a) ,

Orders u/s.91 or 92, Orders u/s.95 compensation under wrongful arrest attachment or injunction and orders imposing fine or arrest distention in civil prison against the said order appeal can be filed. And apart from that orders like injunction or appointment of receiver, rejection of plaint against the said order also appeal can be filed. But against this type of order it may be taken as a ground in filing an appeal against the final order. No appeal is liable against the interlocutory order which has been passed for sending the unregistered document for stamp duty penalty which was dismissed. Hence considering the above said facts this court is not inclined to allow the application to stay the further proceedings of the RLTOP.

In the result, petition is dismissed no costs.

Directly dictated to the steno-typist, typed and computerized by her, corrected and pronounced by me in the open Court, this the 4th day August, 2025.

III Additional Judge,
City Civil Court, Chennai.

List of Witness and documents on both side : Nil

III Additional Judge,
City Civil Court, Chennai.

Draft / Fair : Order

**I.A.No. 1/2025
in
R.L.T.A.No.97of 2025**

Dated:04.08.2025

**III Additional
City Civil Court,
Chennai.**