

**IN THE COURT OF THE I ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Tmt. K. Chithra, B.A.,B.L., (Hons)

I Additional District Munsif, Nagercoil

Monday, on the 13th day of July, 2026

I.A. No. 4 of 2026

in

R.L.T.O.P. No.2 of 2025

Arunachalam

... Petitioner/Respondent

-vs-

S. Murugan

...Respondent/Petitioner

This petition is came up before this court on 06.07.2026 in the presence of Mr.A.Subramonia Pillai, Advocate for the Petitioner/Respondent and Mr.T.Kannan, Advocate for the Respondent/Petitioner and upon perusing the case records and having stood over for consideration till this day, this Court delivers the following:

ORDER

1. This petition was filed under section XVII of Registration Act and Section 151 Code of Civil Procedure, to hear the admissibility and genuineness of Ex.P1.

2.CRUX OF PETITION FACTS:

2.1) The Petitioner is the respondent in this case. The Petitioner is well acquainted with the facts of this case. The Petitioner has filed petition to evict the respondent from the petition schedule building. The case is posted for aurgument. The Petitioner's case is mainly depending upon Ex.P1 and the said fact is admitted by PW1 in his cross examinatioin as follows: ம.சா.ஆ.1 வாடகை பத்திரத்தின் அடிப்படையில் இந்த வழக்கு மனுவை தாக்கல் செய்துள்ளேன். The PW1 had also admitted the petition schedule property belonged to Valliammal and Ramalekshmi. If that be so, the petitioner's father has no right, either enter into a lease deed with respondent's father or obtain the Ex.P1 in favour of the pititoner's father. So, as per the own admission of PW1, his father was not owner of the petition schedule property and his mother had not given any power deed or authorization in his favour. Further more Ex.P1 is not a registered lease deed. Under the above said circumstances Ex.P1 is an invalid document and no right flows to the petitioner. As such the petitioner is not entitled to file the petition and to proceed with this case.

2.2) The Petitioner has suppressed the said fact in his main petition and chief examination. The respondent humbly submits, the genuineness and validity of Ex.P1 may be decided at first as primary point, before the commencement of

argument. Since Ex.P1 is an invalid document and as such the same cannot be taken into consideration at all for any purpose and hence Ex.P1 ought not have been even marked as an evidence. If the same is not decided at first immense loss and hardship will be caused to the respondent and thus this petition was filed.

3. COUNTER ALLEGATIONS OF RESPONDENTS:

3.1) The application for hear the admissibility and genuiness of Ext.P1 document is not maintainable at this stage. This application is filed only to harass the petitioner/landlord without paying due rent to the landlord and prolonged the case proceedings. The contention of the respondent RLTOP is not maintainable on the ground that the original lease deed was executed in the year 1967 not registered is wholly un sustainable both the facts and laws.

3.2) The respondent's father entered in the tenancy agreement with the petitioner's father and inducted into possession of the petition schedule property as tenant. Thereafter the respondent and predecessor continue the possession of tenant for several decades. The respondent has categorically admitted the occupation of petition schedule property. Under the petitioner's family and also admitted the payment of rent. The evidence on record clearly established that the landlord tenant relationship has been existed nearly for 57 years. The respondent-tenant and predecessor have enjoyed the benefit of the tenancy

throughout the period and never and have never questioned either the tenancy or the title of the petitioner's family. Only after committing default the payment of rent from October 2023 has the respondent registered the present technical objection. The petitioner's mother was the absolute owner of the petition schedule property. Subsequently the property was validity conveyed to the petitioners by the registered deed. The petitioner has submitted all the title deeds before this Honourable Court and marked the same P1 to A10.

3.3) The respondent has not disputes the title document therefore the petitioner states as landlord has clearly established. The respondent cannot be permitted to appropriate and reappropriate having the admitted the tenancy and paid rent for several decades. The respondent is estopped from disputing the landlord title. Under Section 116 of the evidence Act tenant who entered possession under cannot denied the title of the landlord or his successor in interest during the continuance of the tenancy. The contention that the tenancy is unenforceable nearly because the original lease deed was not registered is legally untenable. Even assuming without admitting the original lease was unregistered the long standing conduct of the party payment of rent inacceptance of rent and admission made by the respondent sufficiently established the jural relationship landlord and tenant.

3.4) It is humbly submitted to the harass the petitioner without any

bonafide before filing of the counter had filed the application Order VII Rule 11 Code of Civil Procedure seeking rejection of the petition on the ground of the maintainable and jurisdiction for the intention to drag proceeding and prolonged the case. These said application was numbered as I.A.No.2/2025 and elaborately heard finally this Hon'ble court dismissed the application after holding the rent court had jurisdiction to entertained the present proceedings. Against that order the respondent (Tenant) not filed any appeal as such the order of Hon'ble Court is final. Therefore the respondent precluded from agitation very same issue of maintainability. The contention of the lease deed executed in 1967 was not registered and therefore the proceeding are not maintainable is wholly unsustainable. The respondent objection does not go to the route of the jurisdiction of the Honourable Court. The objection is a mixed quertion of fact of law and any event cannot defeated the admitted tenancy that has existed for several decades. Further the respondent has raised the plea only after completion of evidence and at stage of final argument. The entire trial has already been completed the objection is therefore highly belated and appear have been only protracted to avoid payment of rent.

3.5) There is no bonafide in this application. The petition schedule property originally belongs to Mrs.Ramalekshmi and Valliammal which is purchased by father of the petitioner in the name of his mothers. Therefore on

behalf of the wives petitioner's father executed lease agreement on 03.05.1967 that was accepted by the Respondent's father and respondent and continued in the tenancy now cannot revert back to say that the petitioner was not an owner. In the cross examination of the petitioner" 03.05.1967 -ல் மனு கட்டிடத்தின் உரிமையாளர் மற்றும் வள்ளியம்மாள் மற்றும் ராமலெட்சுமி இருக்கும்போது எனது அப்பா எதற்காக வாடகை ஒப்பந்தம் ஏற்படுத்தினார்கள் என்றால் எனது அப்பாவின் சுய சம்பாத்தியத்தில் திருமதி.ராமலெட்சுமி மற்றும் வள்ளியம்மாள்... இருவர் பெயரிலும் as such on behalf of the wives the petitioner's father Subramanian entered in the valid document as admitted by the father of the respondent and respondent till today. As such the respondent cannot dispute the original lease agreement is unsustainable.

3.6) The respondent already filed I.A.No.1/2025 Under Order VII Rule 11 and Section 151 Code of Civil Procedure to reject the R.L.T.O.P at the first instance. Wherein the same ground was taken since the lease deed was not registered and not properly executed. Hence the R.L.T.O.P. is to be rejected prefer is negative by this Honourable Court on 10.12.2025 and examined both side witnesses and marked both side documents and posted for argument. This petition is filed with a malafide intention to protract the proceedings and to accept the counter and dismiss the petition.

4. POINT TO DETERMINE:

Whether it is to be allowed or not?

Heard both side enquiry and Records perused.

5. REASON FOR DETERMINATION:

5.1) The learned counsel for the petitioner/respondent has argued that the petition of R.L.T.O.P was filed to evict the petitioner based on EX.P1/unregistered Lease deed, which was entered between the petitioner's father and the respondent's father. Really, the petition schedule property was belonged to Valliammal and Ramalekshmi and the respondent's father has no right or locus standi to enter into deed with respect to the petition schedule property. The genuineness and validity of EX.P1 may be decided at first as primary point, since it is invalid and cannot be taken into consideration for any purpose. Thus, he prayed to allow this petition.

5.2) The learned counsel for the respondent has argued that the petitioner admitted the jural relationship of landlord and tenant for 57 years; he did not raise any objection at the time of marking of EX.P1/lease deed. The petitioner did not ever questioned the tenancy or the title of the respondent's family. The petition was reached at the stage of argument of parties. This petition was filed to drag on the proceedings. The petitioner has tendency to file petition one after another. This petition is highly belated and he prayed to dismiss the petition.

5.3) On perusal of records, the original petition was filed for eviction of petitioner/tenant from the petition schedule property and it reached the stage of argument. It is evident that the respondent has filed the Ex.P1/unregistered lease deed along with the petition at the time of its filing. Further the petitioner did not raise any objection to Ex.P1 at the time of marking it as an exhibit. Hence the petitioner is not having any right to raise the objection to exhibit it as document at later stage and therefore, the admissibility of Ex.P1 in evidence is found to be valid, subject to its proof and relevancy, which have to be decided at the final order of main Petition.

5.4) In addition, the petitioner contended the genuineness of Ex.P1 on the ground that it was obtained by the father of respondent, who has no right over the petition schedule property. Eventhough it is true, it can be decided at the final order of main eviction petition. The question of genuineness and admissibility of Ex.P1 in evidence would not form to be preliminary question of law to be decided, without going into merits of the case. The petitioner has relied upon judgment in 2024 (3) CTC 399, 2024 (4) LW 931 and 2001 (1) CTC 112. On careful reading of those citations, those were not squarely applicable to decide this petition at this stage. Hence this court don't find any merit in allowing this petition and this court is declined to allow this petition.

6. In fine, this petition is dismissed with cost of respondent.

Dictated to the Steno-Typist directly, and typed by her directly in the Computer, corrected and pronounced by me, in open court this, the 13th day of July, 2026.

Sd/-(K.Chithra)

I Additional District Munsif,
Nagercoil

Petitioner side witnesses and documents:- Nil

Respondent side witnesses and documents : Nil

Sd/-(K.Chithra)

I Additional District Munsif ,
Nagercoil.

Fair/ Draft Order
I.A.No.4 of 2026 in
R.L.T.O.P. 2 of 2025
Date: 13.07.2026
IADM, Nagercoil.