

In the court of the District Munsif cum Judicial Magistrate No.I, Usilampatti

Present: **Thiru.G. Sathia Narayanan, B.A.B.L.,**
District Munsif cum Judicial Magistrate No.I,(FAC)

Usilampatti.

Friday on this 3rd day of July 2026

RLTOP.No. 1/2024

1. Keerthi Haran,
S/o, Jeyaraj,
D.No. 198, VOC 1st Main Road,
PP Chavadi,
Madurai - 625016

...Petitioner/ Landlord

-Vs-

1. Vivek,
S/o, Pandi.
2. Akila,
W/o, Vivek.
Both residing at
D.No. 15B/4, Meena Compound ,
VairaPavan Kovil Street,
Usilampatti , Madrai

...Respondents / Tenants

The petition is filed U/s.21 (2) (g) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act,2017. The petition came up for final hearing before this Court on 24.04.2026. The petitioner is being represented by Advocate Mr.Dhana Aravindabalaji, Both the respondent are being represented by Advocate Mr.Aravindasamy. Having perused the records of the case, the evidence of witnesses, heard the counsel for the petitioner and having stood over till this date, this Court delivers the following-

ORDER

1. Nature of the petition :

This petition is filed under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 seeking eviction of the respondents.

2. Brief averments of the Petition :

a) The petitioner contends that he is the absolute owner of the petition mentioned property by virtue of a registered sale deed dated 28.06.2022 executed by the previous owner, Tmt. Indira. According to him, after purchasing the property, he inducted the respondents as tenants on 19.07.2022 under a rental agreement for a monthly rent of ₹5,000/-. The respondents paid rent up to December 2022, but thereafter committed default in payment of rent despite repeated demands.

b) It is further pleaded that the petitioner bona fide requires the petition premises for his own residential occupation. A legal notice dated 30.05.2023 was issued calling upon the respondents to vacate the premises and pay the arrears of rent. Though the notice was served, the respondents neither complied with the demand nor vacated the premises. Hence, alleging willful default in payment of rent and bona fide requirement for own occupation, the petitioner has filed the present RLTOP seeking eviction of the respondents and delivery of vacant possession of the petition premises.

3. Brief averments of the counter :

a) The 1st respondent denies all the averments contained in the petition except those that are specifically admitted herein and puts the petitioner to strict proof of the same. This petition is neither maintainable in law nor on facts. There is no cause of action for filing this petition. The respondent denies the very existence of the landlord and tenant relationship.

b) It is submitted that the schedule mentioned property originally belongs to the family property of the 1st respondent. Thereafter the property devolved upon his mother and the brother of the 1st respondent namely Vishnu. In the year 2012, the 1st respondent build the schedule mentioned house out of his own income. Being so, in the year 2014, the 1st respondent due to some financial need decided to obtain loan from the bank by mortgaging the above said property . For which the mother of the 1st respondent namely

Chitra and the brother of the 1st respondent namely Vishnu has executed a sham and nominal sale deed dated 03/02/2014 in favour of their family relative namely Indhira, since she is a Government servant for the purpose of getting loan easily from the bank.

c) Being so, in the year 2022, the 1st received a sum of Rs.10,00,000/- from the mother of the petitioner namely Ushadevi and was paying regularly the principal and interest in small installment. But the said petitioner and his mother claimed an exorbitant amount of Rs.25,00,000/- from the respondent and urged to transfer the petition mentioned property in their names. The respondent has stated about the above said sale deed executed in favour of their family relative namely Indhira.

d) The petitioner and his mother threatened the respondent and his mother and the said Indhira and got executed the sale deed for the Petition mentioned property in their favour on 28/06/2022 from the said Indhira. A case was registered in Cr.no.13/2023 before the District Crime Branch in this regard against the petitioner and his mother . The petitioner has filed this petition suppressing all these facts and by creating a forged unregistered rental agreement. Hence prayed to dismiss the petition.

Evidence

4) To prove his case the petitioner has examined herself as PW1 by way of affidavit and has relied upon the following documents as **Ex.P1 to Ex.P5**.

1. Photocopy of Petitioner Aadhar Card – ExP1
2. Certified Copy of Sale Deed in the name of Petitioner – ExP2
3. Rental Agreement Original – Ex.P3
4. Office Copy of Notice issued to the Respondent – Ex.P4
5. Acknowledgement Cards (2 in No's) Original – ExP5

The respondents did not examine any witness and did not mark any document. They also did not advance arguments despite sufficient opportunity.

5) Points for Determination :

- (i) Whether the petitioner has proved the existence of the jural relationship of landlord and tenant?
- (ii) Whether the petitioner is entitled to eviction?
- (iii) To what other relief?

Discussion

6) The primary question that arises for consideration is whether the petitioner has established the existence of the jural relationship of landlord and tenant between himself and the respondents. The jurisdiction of the Rent Court under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 can be invoked only if such relationship is established. The burden of proving the existence of the landlord-tenant relationship squarely lies upon the petitioner.

7) In the present case, the petitioner claims title to the petition property under Ex.P2, the certified copy of the registered sale deed dated 28.06.2022. The respondents have not disputed the existence of Ex.P2, but have alleged that the sale deed was brought about by coercion in connection with a money lending transaction. Though such allegations have been raised in the counter statement, the respondents have neither entered the witness box nor produced any documentary evidence to substantiate the same. Consequently, the said defence remains unproved. Nevertheless, it is well settled that the weakness of the defence cannot be a substitute for proof of the petitioner's case.

8) The petitioner further relies upon Ex.P3, the rental agreement dated 19.07.2022, to establish that the respondents were inducted as tenants on a monthly rent of ₹5,000/-. The respondents have specifically denied the execution of Ex.P3 and have also denied their signatures found therein. Once the execution of the document is specifically denied, the burden lies upon the petitioner to prove its due execution by adducing satisfactory evidence. Mere production and marking of a document do not

dispense with the requirement of proving its execution where execution is in serious dispute.

9) Except examining himself as PW1, the petitioner has not chosen to examine any attesting witness, scribe or any other independent witness to the execution of Ex.P3. No rent receipts, bank account statements, money transfer details or any other contemporaneous record evidencing payment and receipt of rent have been produced. The legal notice issued by the petitioner and the postal acknowledgements only establish that a notice was sent and received; they do not, by themselves, prove the existence of the landlord–tenant relationship. Thus, except the interested testimony of PW1, there is no independent evidence to prove that Ex.P3 was executed by the respondents or that they were inducted as tenants.

10) It is true that the respondents have not adduced evidence and have not advanced arguments despite sufficient opportunities. However, the law is equally well settled that the petitioner must succeed on the strength of his own case and not on the weakness of the defence. The initial burden of proving the foundational facts necessary to invoke the jurisdiction of the Rent Court cannot be shifted merely because the respondents failed to adduce evidence.

11) The petitioner has sought eviction on the grounds of willful default in payment of rent and bona fide requirement for own occupation. Both these grounds necessarily presuppose the existence of a valid landlord–tenant relationship. In the absence of satisfactory proof of such relationship, this Court is not required to examine the merits of the alleged default or the plea of bona fide requirement. Since the petitioner has failed to establish the very foundation of his claim, the consequential relief of eviction cannot be granted.

12) The Division Bench of the Honble Madras High Court in C.R.P.(MD) Nos.2451 and 2439 has held that pending RLTOP proceedings shall be decided on merits and not dismissed solely on the ground of non-registration of the tenancy agreement. Accordingly, this Court has examined the entire evidence on merits. The

dismissal proposed herein is not on the ground of non-registration but on the failure of the petitioner to prove the landlord–tenant relationship.

13) Accordingly, this Court holds that the petitioner has failed to prove the existence of the jural relationship of landlord and tenant between the parties. Consequently, the petitioner is not entitled to an order of eviction under the provisions of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017.

Order :

In the result, the RLTOP is hereby dismissed.

Dictated to Steno-typist and typed by her in computer and corrected by me and pronounced in open Court on this 03rd day of July 2026.

(S/d) G. Sathia Narayanan,
District Munsif cum
Judicial Magistrate No.I(FAC),
Usilampatti.

Petitioner side witness:-

P.W.1 –Thiru. Keerthi Haran.

Petitioner side Exhibits:-

1. **Exp- 1** : Photocopy of Petitioner Aadhar Card
2. **Exp- 2** : Certified Copy of Sale Deed in the name of Petitioner

3. **Exp- 3** : Rental Agreement Original
4. **Exp- 4** : Office Copy of Notice issued to the Respondent
5. **Exp- 5** : Acknowledgement Cards (2 in No's) Original

Respondents side Witnesses and Exhibits :

Nil

(S/d) G. Sathia Narayanan,

District Munsif Cum

Judicial Magistrate No.I (FAC),

Usilampatti.

True Copy

District Munsif Cum

Judicial Magistrate No.I (FAC),

Usilampatti.

R.L.T.O.P. No.1/2024

Order

Date : 03.07.2026