



IN THE X COURT OF SMALL CAUSES, CHENNAI
PRESENT: Tmt. R.D. Aarthi., B.A.,B.L (Hons.), XI JUDGE
X JUDGE (FAC)

Tuesday, the 18th day of August 2026

M.P. No. 2 of 2026

in

RLTOP No. 219 of 2026

(CNR No.TNCH09-001314-2026)

Mr. Doulat.H.Nichani,
S/o H.D.Nichani,
Shop No. 14, Ground Floor, Raheja Complex,
No.68, Mount Road, Chennai- 600002.
Also at, Shop No.3 & 4, No. 1 (2/2)
Mohammed Hussain Sahib Street,
Chindatripet, Chennai- 600 002.

...Petitioner/Respondents

-Vs-

1. K.A. Subaidha Begum, F/62Years,
W/o Late. V.S.A. Asraf Ali,
2. V.A. Amran Hussain, M/39 Years,
S/o Late V.S.A. Asraf Ali,
3. V.A. Umaina Rashmi, F/34 Years,
D/o Late V.S.A. Asraf Ali,
Respondents 1 to 3 are
Residing at No.76, Linghi Chetty Street,
Mannady, Chennai - 600 001.

Represented by their Power of Attorney
P. Jai sankar,
S/o D. Paramasivam,
Door No. 2/252, Bharathidasan Nagar,



2nd Street, Shanmugapuram,
Chennai - 600 099.

...Respondents/Petitioner

This petition came up for final hearing before me in the presence of M/s.L.Dhamodharan and M.V.Deenadhayalan, Counsels for the Petitioner/Respondents and M/s.N.S.Nageshwaran, and V.K.Sundari, Counsels for the Respondents/Petitioner and upon perusing the records and having stood over for consideration till this day, this court delivered the following:

ORDER

This Petition is filed under section 37(j)(3) of the TNRRRLT Act, 2017.

1.Gist of the petition:-

This petition has been filed by the petitioner/respondent for permitting him to cross examine the PW1. He contents that he had addressed a communication dated 11.08.2025 to the respondent/applicants specifically expressing his willingness to execute the lease agreement and requesting them to take necessary steps in that regard. And however, the respondent/applicants despite wilfully aware of the aforesaid communication deliberately failed to disclose the same before this Court and have instituted the present proceedings by suppressing the material and relevant fact. Hence has filed this petition to cross examine the PW1 with reference to the aforesaid communication so as to bring the true facts before the Court. Hence the petition.

2.Gist of Counter: -

The respondent/applicants content that the initially tenancy was created before the commencement of the act and after the demise of their father, they had become the absolute owner of the schedule property and called the petitioner/respondent to enter



into a fresh agreement by the letter dated 25.02.2025 and after the receipt of the same, the petitioner/respondent paid the monthly rent and the same was received by us till the date of termination of notice. Hence contented that all facts were disclosed before the Court and there was no suppression of facts and hence prayed that the cross examination is unnecessary and it is purely only a delay tactics and thereby prayed for dismissal of the petition.

3.Point for Consideration: -

1. Now, issue that arises before the Court is whether the petition to Cross examine to be allowed or not?

It is settled position of law by the Hon'ble High Court of Madras in *J.Thennarasu Vs. Anitha Nalliah in C.R.P.(PD) No.2532 of 2021 and C.R.P. (NPD) Nos.2372 & 2373 of 2021* "that cross examination is not a matter of right and the party seeking it must make an application before the Tribunal to justify the need for cross examination and that when the tenant denies the title of the landlord, cross examination may be permitted". Therefore, now it has to be looked in as to whether the need for cross examination is been justified by the petitioner/respondent.

Heard both sides. Records perused. From the records of the case, It is seen that the main RLTOP 219/2026 has been filed under 21(2)(a) of TNRRRLT Act, for an order of recovery of possession as against the petitioner/respondent on the ground that there is no rental agreement as per Act and after the Court examination/summary enquiry of the PW1 was conducted, this petition for cross examination of the PW1 had been filed.

From the petition, counter and other material records, it is seen that the petitioner/respondent has explicitly admitted about the existence of jural relationship with the respondent/applicants. The admission of the petitioner/respondent with



respect to the jural relationship with the respondent/applicants in this petition in para no.5 runs as follows.

“ In fact, I had addressed a communication dated 11.08.2025 to the petitioners specifically expressing my willingness to execute the lease agreement and requesting them to take necessary steps in that regard. The petitioners, despite being fully aware of the said communication, deliberately failed to disclose the same before this Hon'ble Court and have instituted the present proceedings by suppressing a material and relevant fact”.

Therefore, once the jural relationship is admitted and when there is no dispute regarding the jural relationship, this Court is of the considered opinion that the question of cross examination does not arise. Hence, having the jural relationship with the respondent/applicant being admitted by the petitioner/respondent, this court inclines not to permit the cross examination of PW1 in view of the dictum laid down by Hon'ble High Court of Madras in *J.Thennarasu Vs. Anitha Nalliah in C.R.P. (PD) No.2532 of 2021 and C.R.P. (NPD) Nos.2372 & 2373 of 2021*.

In result, this petition is dismissed.

Dictated by me to the stenographer directly computerized by him, corrected and pronounced by me in open court on this the 18th day of August 2026.

X JUDGE (FAC)
Court of Small Causes
Chennai