



WEB COPY

C.R.P.No.3498 of 2023

and

C.M.P.No.21798 of 2023

V.BHAVANI SUBBAROYAN, J.

The case of the petitioner that he is a landlady and the respondent is the tenant and there was some tenancy dispute between them, due to which the petitioner filed R.L.T.O.P.No.128 of 2021 before the XII Judge, Court of Small Causes, Chennai and the same was allowed vide order dated 29.10.2021 with a direction to the respondent to vacate the subject property. Aggrieved over the same, the Respondent/Tenant has filed R.L.T.A.No.38 of 2021 before the II Additional Judge and the same was allowed on 20.07.2022, wherein the learned Judge has stated that when there is no written agreement between the respondent/landlord and appellant/tenant, it cannot be used as a tool for evicting the tenant, which has given rise to this petition.

2. The learned counsel for the petitioner submitted that the petitioner is ready to execute the rental agreement and also caused a notice on 28.08.2020 terminating the tenancy of the respondent by the end of 31.08.2020. After the receipt of the said notice, the respondent gave an



reply without mentioning the date and the same was received on 28.08.2020

wherein the respondent raised certain untenable contentions. Again the petitioner gave a rejoinder on 03.09.2020 stating that there was default in payment of rent. The learned counsel for the petitioner submitted that the petitioner has sub let the subject property. The grievance of the petitioner is that the Appellate Court while rendering Judgment in R.L.T.A.No.38 of 2021 had reversed the finding made in R.L.T.O.P.No.128 of 2021 before the XII Judge, Court of Small Causes, Chennai.

3.In view of the above, it is made clear, that the petitioner had made out a *Prima facie* case for grant of interim stay. Hence there shall be an order of interim stay until 16.10.2023.

4. Notice to the respondents returnable by 16.10.2023.. Private Notice is also permitted. Post the matter on 16.10.2023.

26.09.2023

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26.09.2023