



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:16.07.2026

Pronounced on: 07.08.2026

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THE HON'BLE MR.JUSTICE P.B. BALAJI**CRP. No.3833 of 2026
and CMP. No.16707 of 2026**

M/s.Chemicals India
Represented by its Proprietor,
Mr.V.Sundar,
No.15, Dr.Muthulakshmi Salai,
LB Road, Adyar, Chennai 600 020.

..Petitioner(s)

Vs

M/s.Vicoans Infrastructure and Environment
Engineering Private Limited,
Represented by its Director,
Mr.T.Selvamani, Having Office at
No.16/17, 3rd Cross Street, R.A. Puram,
Chennai - 600 028.

..Respondent(s)

PRAYER: This Civil Revision Petition has been filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, to set aside the order and decree dated 07.04.2026 made in R.C.A. No.21 of 2025 on the file of the IX Small Cause Court, Chennai (rent Control Appellate Authority), confirming the Eviction Order and Decree dated 21.04.2025 made in R.C.O.P. No.936 of 2014 on the file of XII Small Cause Court, Chennai (Rent Controller), by allowing this Civil Revision Petition.

For Petitioner(s): Mr.Madhan Babu

For Respondent(s): Mrs.Chitra Sampath,
Senior Counsel for
Mr.V.G.Suresh Kumar



ORDER

The unsuccessful tenant before the Rent Controller as well as the Rent Control Appellate Authority is the revision petitioner.

2. I have heard Mr.Madhan Babu, learned counsel for the revision petitioner and Mrs.Chitra Sampath, learned Senior Counsel for Mr.V.G.Sureshkumar, learned counsel for the respondent.

3. Brief facts that may be necessary before adjudicating the core issues that arise for consideration in the revision petition are as follows:

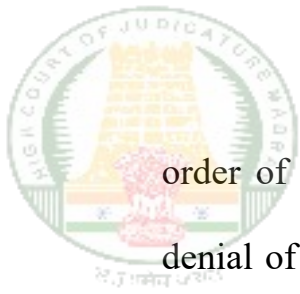
The respondent claiming to have purchased the petition premises, in and by a registered sale deed, from the administrators of the then admitted owner Meera Bai Dawson, had issued notice to the revision petitioner, stating that the respondent required the property for purposes of demolition and reconstruction and that despite knowing the fact that the respondent had purchased the property, the petitioner has denied his title and also not paid rents. The said notice was not served on the revision petitioner. Thereafter, the respondent proceeded to file RCOP. No.936 of 2014 and sought for eviction on the grounds of willful default in payments of rent, denial of title and demolition and reconstruction.



4. The said eviction petition was resisted by the petitioner, contending that there is no jural relationship of landlord and tenant between the respondent and the petitioner and that the superstructure was put up by the father of the revision petitioner. It was also contended that the petitioner has already filed a suit and in the suit to protect his possession and that in the said suit, before the Original Side of this Court, the petitioner's possessory rights have been sufficiently protected. It was also contended that the sale deed in favour of the respondent has also been challenged by way of filing an Application seeking amendment of the plaint and that the same is still pending.

5. On these pleadings, the parties went to trial and the Rent Controller ordered eviction on all the three grounds. Aggrieved by the same, the petitioner preferred RCA. No.21 of 2025. The said Rent Control Appeal was also dismissed, affirming the order of eviction passed by the Rent Controller. Challenging the said concurrent findings that the present revision petition has been filed.

6. Mr.Madhan Babu, learned counsel for the revision petitioner would firstly contend that when the petitioner had filed a suit before the Original Side of this Court even one year earlier than the filing of the eviction petition, claiming independent rights to the subject property, the Courts below have clearly fell in error in holding that there has been a denial of title, warranting an



order of eviction. In fact, it is his submission that eviction on the ground of denial of title arises only when such denial is not malafide and pointing out to the facts and circumstances of the present case, Mr.Mathan Babu, learned counsel would contend that when the right of the Administrators who sold the property to the respondent/landlord itself had been questioned and this Court had also granted an interim order protecting the possession of the petitioner and the suit being very much pending, the eviction petition itself ought not to have been entertained before the Rent Controller.

7. Mr.Madhan Babu, learned counsel would invite my attention to the various averments in the plaint and also the interim order passed by this Court granting injunction in favour of the petitioner. Pointing out to the said order, Mr.Madhan Babu, learned counsel would further contend that the order is not one which is the usual injunction granted to restrain the respondent from interfering and disturbing with the peaceful possession and enjoyment of the petitioner, except by due process of law, but specifically granting a blanket interim order. It is therefore his submission that pending final adjudication of larger issues touching the title of the respondent in the said suit, the Rent Controller ought not to have entertained the eviction petition. In any event, it is his submission that the respondent having approached the Rent Controller, ought to have established his title upfront and thereafter, existence of landlord and tenant relationship. In this regard, he points out to the provisions of Section



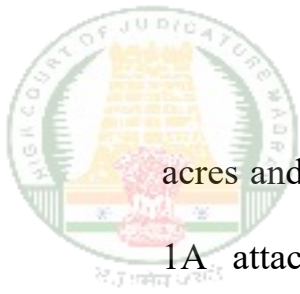
101 of the Evidence Act, 1872 as well.

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8. Mr.Madhan Babu, learned counsel would further state that the Courts below also failed to see that the sale deed under which the respondent was claiming title itself is sought to be challenged and even though the amendment application has not been allowed as on date, it is his submission that the delay has occasioned only on account of the Administrators not being served as they are residing abroad and further, the suit was also transferred from the Original Side of this Court to the City Civil Court on account of the enhancement of the pecuniary jurisdiction of the City Civil Court.

9. Insofar as willful default, it is the submission of learned counsel Mr.Madhan Babu, that the notice that was issued prior to the filing of the eviction petition, did not even call upon the petitioner to pay rents to the respondent in the first place and there is also not even a whisper as to what was the rent payable by the petitioner. In such circumstances, in the absence of any demand made by the respondent, the learned counsel would contend that the petitioner cannot be accused of having committed willful default.

10. Lastly, with regard to the ground of demolition and reconstruction, it is the submission of Mr.Madhan Babu, that the property which is alleged to have been purchased by the respondent is a vast extent of land measuring 1.4



acres and thereabouts and drawing my attention to the sale deed and Annexure 1A attached thereto, Mr.Madhan Babu, would point out that the entire superstructure in the land that has been acquired by the petitioner under the alleged sale deed is only about 540 sq.ft or thereabouts and the respondent has not even been able to identify as to whether the petitioner's portion is falling within the 540 sq.ft which has been purchased. He would also state that it is again for the respondent to have established ownership of land and also building, for which there is absolutely no evidence adduced on the side of the respondent before the Rent Controller.

11. It is also the submission of Mr.Madhan Babu, learned counsel that excepting the sale deed in favour of the respondent, no other documents have been produced to establish that the respondent was entitled to land and building including the portion under the occupation of the petitioner. According to Mr.Madhan Babu, even the sale deed that was exhibited before the Rent Controller was only a certified copy and not the original. Taking me through the deposition of evidence of P.W.1, who was examined on behalf of the respondent/landlord, Mr.Madhan Babu, would further contend that no reasons whatsoever, have been assigned by P.W.1 as to non-production of original sale deed. It is in this regard that he has also relied on certain decisions with which I will deal later.



12. Therefore, attacking the concurrent findings, Mr.Madhan Babu learned counsel for the petitioner would contend that the Courts below have rendered perverse findings and have been carried away by the fact that the letters of administration in favour of the vendors of the respondent/landlord has not been revoked till date, without noticing that the petitioner cannot seek for revocation of the grant since the respondent's father was only a tenant under the original owner, Mrs.Meera Bai Dawson, that too, in respect of the land alone and that his father has put up superstructure.

13. In support of his submission, Mr.Madhan Babu, learned counsel has relied on the following decisions:-

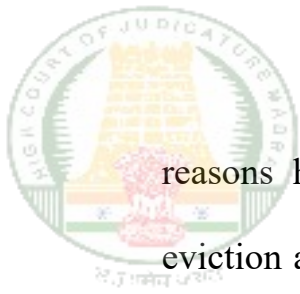
- 1.Cement Corpn. Of India Ltd VS Purya And Others, reported in, (2004) 8 SCC 270;
2. David Joseph Guido VS A.C.Fernandes, reported in, (2000)9 SCC 179;
- 3.Pandian VS . A. Abitha Begam, reported in, 2001 (1) CTC 270;
4. C.Chandramohan VS Sengottian , reported in, (2000) 1 SCC 451;
5. K. Umar Khan and Another VS K. Akbar Ali, in CRP.NPD.NO.4629 of 2015;
6. Gopal Krishnaji Ketkar VS Mohamed Haji Latif And Others, reported in, 1968 SCC OnLine SC 63: (1968) 3 SCR 862: AIR 1968 SC 1413:(1968) 2 SCJ 934;
- 7.Union Of India VS Ibrahim Uddin And Another, reported in (2012) 8 SCC 148;
8. Bhogadi Kannababu And Others VS. Vuggina Pydamma And Others, reported in (2006) 5 SCC 532;
9. Ashok Transport Agency VS Awadhesh Kumar And Another, reported in (1998) 5 SCC 567;
10. Amway India Enterprises Private Limited VS. Ravindranath Rao Sindhia And another, reported in, (2021) 8 SCC 465;



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11. *W.S Sethu Narayana Babu (deceased) And Others VS S.Sathindar And Others*, in C.S (COMM.DIV). No 95 of 2019, dated 02.06.2023;
12. *DR K.A Dhairyawan And Others VS J.R. Thakur And Others*, reported in, (1958) SCC online SC 39 : 1959 SCR 799: (1958) SCJ 1060: AIR 1958 SC 789;
13. *REV FR K.G.Alexander. VS State Of Kerala*, reported in, (1973) 2 SCC 737.
14. *Anil Rishi VS. Gurbaksh Singh*, reported in, (2006) 5 SCC 558.
15. *K.Shyamala VS Khaleel Basha*, in C.R.P(NPD) NOS .2231 And 2232 Of 2016;
16. *Dayasadan, Rep. By its General Secretary VS. Madras Pinjrapole , Rep by its Honorary Secretary*, reported in, (2023) SCC Online Mad 578;
17. *Hatsun Agro Product Limited VS. Hindustan Unilever Limited*, in A.Nos .5879 of 2022 and 1581 of 2023 in [C.S.No](#) 327 of 2014, 14.06.2023;
18. *Tharammel Peethambaran And Another VS T. Ushakrishnan And Another*, reported in, 2026 INSC 134;
19. *Rangammal VS Kuppuswami And Another*, reported in, (2011) 12 SCC 220;
20. *Savitri Bai And Another VS. Savitri Bai*, reported in, 2024 INSC 152; and
21. *State of Punjab And Others VS. Bhagwantpal Singh Alias Bhagwant Singh (Deceased) Through Legal Representatives*, reported in, (2024) 15 SCC 139.

14. Mr.Madhan Babu, learned counsel for the petitioner would therefore state that the Rent Controller as well as the Rent Control Appellate Authority have miserably failed to make a judicious approach in dealing with the contentious issues and having failed to see that admittedly there has been no attornment of tenancy by the petitioner in favour of the respondent, the eviction petition ought to have been dismissed. He would also take me through the findings of the Rent Controller and the Appellate Authority to contend that no



reasons have been assigned and discussions with regard to the grounds of eviction are cryptic and not backed by any germane discussion whatsoever. He would therefore persuade me to exercise powers under Section 25 of the Act to interfere with the concurrent findings rendered by the Rent Controller as well as the Rent Control Appellate Authority.

15. Per contra. Mrs. Chithra Sampath, learned Senior Counsel appearing for the respondent/landlord would firstly contend that the Rent Control Proceedings are summary in nature and it is not required for the Rent Controller for conducting a roving enquiry like in a Civil Suit, where a title dispute is being settled or decided. She would further contend that a certified copy of the sale deed has been filed and it would tantamount to primary evidence being filed. In this regard, she has relied on the decision of the Hon'ble Supreme Court in *Appaya Vs. Andimuthu @ Thangapandi and others*, reported in 2024 19 SCC 602. It is also the submission of the learned Senior Counsel that in the facts and circumstances of the present case, when the petitioner himself had admitted to the fact that the respondent had purchased the property under the registered sale deed from the Administrators of Meera Bai Dawson, it is not even necessary for the respondent to establish ownership.

16. As regards the argument of Mr. Madhan Babu, that the respondent has not established the existence of the landlord/tenant relationship, Mrs. Chithra



Sampath, learned Senior Counsel would submit that even according to the petitioner, his father was inducted only as a tenant under Meera Bai Dawson and therefore, when the estate of the Meera Bai Dawson, has been duly administered after getting letters of administration from the High Court in exercise of original jurisdiction, it being a judgment *in rem*, the grant would bind the petitioner and as long as the grant has not been revoked or recalled or set aside, the administrators were well within the rights to deal with the property, including sale in favour of the respondent. She would therefore state that it is not open to the petitioner to toe a line of argument that the non production of the original sale deed was fatal to the case of the respondent.

17. As regards attornment, Mrs.Chithra Sampath, learned Senior Counsel would rely on my decision in *Uma Vs. K.Purushothaman*, reported in 2025 SCC Online Madras 219, where I had an occasion to deal with a right of transferee *vis a vis* a tenant occupying the property under the transferor. The learned Senior Counsel would further state that with regard to purchase of superstructure admittedly, annexure IA, reflects existence of a superstructure and it is not as if only vacant land was purchased by the respondent and therefore, when the petitioner has come forward with a specific case that his father put up the superstructure, it was for the respondent to establish the said contention. Taking me through the evidence of R.W.1, the revision petitioner, she would contend that admittedly the respondent has not been able to produce



any shred of evidence, much less, acceptable documentary evidence that the superstructure was put up by his father. The learned Senior Counsel would therefore state that the Courts below have rightly drawn adverse inference against the respondent and proceeded to order eviction. She would also state that despite knowing about the claim made by the respondent under the sale deed and having impleaded the respondent in the suit for injunction before this Court, the petitioner has not come forward to recognise the respondent as landlord and pay rents and in such circumstances, the Courts below cannot be said to be in error, in ordering eviction on the grounds of willful default and denial of title.

18. As regards demolition and reconstruction, the learned Senior Counsel would state that the respondent has established its bonafides by production of the sanctioned/approved plan for purposes of demolition and reconstruction and it is not the case of the petitioner that the respondent is not possessed of sufficient funds to put up construction as well, admittedly when the remaining lands have been utilised by already putting up multi-storeyed construction. The learned Senior Counsel would therefore pray for dismissal of the revision petition.

19. I have carefully considered the submissions advanced by the learned counsel on either side and I have also gone through the order of the Rent



Controller, the judgment of the Appellate Authority and the documents filed by way of typedsets as well as the judgments that have been relied on by the learned counsel on either side.

20. It is trite law that in Rent Control proceedings, the question of title or ownership is not germane, but what is relevant is the existence of landlord and tenant relationship between the parties. Definition of landlord under Section 2(6) of the The Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, Act 18 of 1960,, itself makes it clear that a landlord need not be the owner. Therefore, the entire arguments of Mr.Madhan Babu, learned counsel revolving around the challenge to the title of the respondent, in my considered opinion, may not be a relevant factor to decide the present revision petition. Be that as it may, though elaborate submissions have been with regard to non production of the original sale deed and that even in the absence of the sale deed in original, there is no other document produced on the side of the respondent to establish ownership, when the partitioner does not challenge the sale in favour of the respondent and there is also a clear admission that the petitioner's father was originally inducted as a tenant, I do not see the non filing of the original sale deed to be fatal to the case of the respondent.

21. With regard to admissibility of the document or its contents, especially when secondary evidence is let in, however, it should be remembered



that Rent Control Proceedings are not tried like a Civil Suit. Elaborate trial is also not contemplated under the Act. Proceedings are summary in nature and have been repeatedly held to be so by this Court as well as the Hon'ble Supreme Court. As held by the Hon'ble Supreme Court in *Appaiya's* case, (referred herein supra), when a certified copy of the sale deed has been produced, it can very well be treated as primary evidence and not merely as secondary evidence. This decision will squarely apply to the facts of the present case.

22. Further the execution of the sale deed is not denied by the petitioner himself. In fact, the petitioner is aware of the purchase of the property by the respondent and has consciously impleaded the respondent as a defendant in his suit for injunction, which is now sought to be converted as a declaratory suit. However, admittedly the amendment application filed in this regard is still pending and the plaint has not yet been amended. As on date, the suit is one for a bare permanent injunction to protect the possession of the petitioner. In such view of the matter, when the petitioner himself acknowledges the fact that the sale deed has been executed in favour of the respondent, I do not see how non production of the original can be held to be fatal to the case of the respondent.

23. With regard to the injunction order passed by this Court on the Original Side as well, elaborate submissions were made by Mr.Madhan Babu, learned counsel for the petitioner. No doubt, this Court granted an interim order



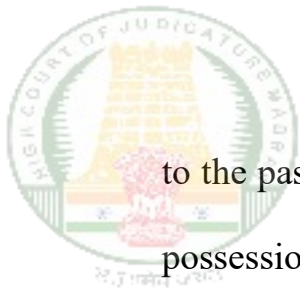
and the relevant portion is extracted hereunder:-

5. *In all the above applications, interlocutory orders have been sought for against the respondent/defendants in respect of Schedule C property. However, on going through the material pleadings, it is apparent that the plaintiff is in occupation of 400 sq.ft of land with superstructure of 240 sq.ft and to that extent he is entitled to protection along with right to use the common passage Schedule C pending the suit, which falls in T.S. No.9/10. The learned counsel for the defendant, while denying the claim of the plaintiff to the suit property, would, however, agree that pending the suit, both the parties should have right to use the common passage- Schedule -C in T.S. No.9/10 and the defendant will not obstruct the plaintiff from using the common passage in T.S. No.9/10 - Schedule C to access to the property set out in newly amended plaint and interlocutory application i.e., amended Schedule -B to an extent of 400 sq.ft. In T.S. No.9/10 in terms of order dated 12.7.2013 in App. No.2871/2013. The said stand is recorded. The details of the plaint 'C' Schedule which form a part of the Advocate Commissioner's Report is S.No.5-Annexure -7 to the report dated 30.04.2013.*

6. *Accordingly, the relief sought for in the above applications is ordered only to the extent that the right to either party to use the common passage in T.S. No.9/10 Schedule -C to access Schedule -B property pending disposal of the suit should not be disturbed by the defendant. The defendant is also entitled to use the common passage Schedule -C without any disturbance from the plaintiff.*

7. *Insofar as additional remuneration to the two Advocate Commissioners are concerned, the Advocate Commissioners will be paid Rs.20,000/- (Rupees Twenty Thousand only) each towards additional remuneration which amount will be equally shared by both the parties."*

24. On a careful reading of the said order, I am able to see that what has been protected in favour of the petitioner is only the right of ingress and egress



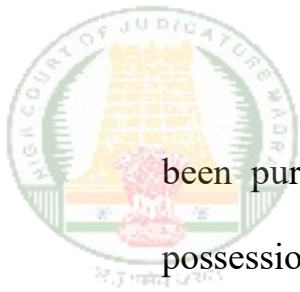
to the passage. This Court, no doubt recognised the fact that the petitioner is in possession of a portion of the property measuring 400 Sq.ft.. However, the interim order does not extend to the portion under the occupation of the petitioner, excepting for the usage of the passage. Though Mr.Madhan Babu, learned counsel has taken me through the observations and findings in the said order, at best, I am able to interpret the said order as one being granted on concession shown by the respondent herein and not on merits. Further the order specifically grants protection only in respect of the passage and not for the premises in respect of which, eviction is now sought for. Therefore, I am unable to countenance the argument of Mr.Madhan Babu, that pending the interim order which is general in nature and unlike suits between landlords and tenants where such interim orders are given to restrain interference of possession of the tenant except by due process of law, the eviction petition itself could not have been maintained.

25. The moot question according to me is only with regard to the existence of landlord and tenant relationship. The specific case of the respondent is that it has purchased the larger extent of the property, including the portion under the occupation of the respondent. The title deed in respect of the said purchase is exhibited before the Rent Controller. However, it is the case of the petitioner/tenant that the superstructure in this occupation was put up by his father. In order to evidence the same, no documents have been exhibited



before the Rent Controller. When the petitioner asserts that the superstructure belongs to him, it is for the petitioner to adduce sufficient, satisfactory documentary evidence. No property tax receipts have been exhibited in the name of the petitioner or the petitioner's father as well. In fact, the petitioner, during his evidence, has even admitted that the petition premises does not even enjoy electricity service connection. His evidence also suggests that because of the interference of the respondent, the petitioner is not even able to reach his portion which is situate in the rear side. Thus, it is clear that the petitioner is holding possession of the property merely under lock and key and is not putting the premises to any use.

26. The sale deed in favour of the respondent, for all the reasons that have been stated herein above, can be certainly looked into and the contents thereof are also relevant and admissible. It clearly shows that the respondent has purchased the property from the Administrators of the Will of Mrs.Meera Bai Dawson. It is not a case of letters of administration extending the order of probate granted by a Foreign Court, but an independent grant of Letters of Administration to deal with the assets of Meera Bai Dawson in India. In such circumstances, the grant in favour of the vendors of the petitioner would be a judgment *in rem* and unless challenged and revoked, it would be binding on the entire world, including the petitioner. In such circumstances, when the respondent has been able to prima facie establish that the land and building has



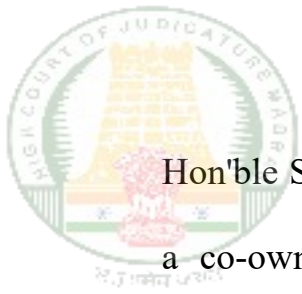
been purchased by the respondent and admittedly, the respondent being in possession of portion of a building which is subject matter of the purchase made by the respondent, the only logical conclusion that can be drawn is that the petitioner's tenancy right claiming through his father would automatically continue with the new purchaser viz., the respondent.

27. In this regard, Section 109 of the Transfer of Property Act, 1882 assume significance and usefully extracted the same hereunder:-

"109. Rights of lessor's transferee.—

If the lessor transfers the property leased, or any part thereof, or any part of his interest therein, the transferee, in the absence of a contract to the contrary, shall possess all the rights, and, if the lessee so elects, be subject to all the liabilities of the lessor as to the property or part transferred so long as he is the owner of it; but the lessor shall not, by reason only of such transfer cease to be subject to any of the liabilities imposed upon him by the lease, unless the lessee elects to treat the transferee as the person liable to him: Provided that the transferee is not entitled to arrears of rent due before the transfer, and that, if the lessee, not having reason to believe that such transfer has been made, pays rent to the lessor, the lessee shall not be liable to pay such rent over again to the transferee. The lessor, the transferee and the lessee may determine what proportion of the premium or rent reserved by the lease is payable in respect of the part so transferred, and, in case they disagree, such determination may be made by any Court having jurisdiction to entertain a suit for the possession of the property leased. "

28. On a careful reading of Section 109 as well, it is clear that no formal attornment of tenancy is necessary and attornment would be automatic. This is the view taken by me in *Uma's* case (referred herein supra) as well. Though reliance has been placed on the decision of the Hon'ble Supreme Court in *C.Chandramohan's* case (referred herein supra), that was a case where the



Hon'ble Supreme Court held that a tenant's assertion that the landlord is merely a co-owner, would not amount to denial of title except when the tenant renounces his relationship with such landlord as a tenant. That was a case where there were multiple co-owners and the landlord had not informed the tenant about a release deed executed in his favour. In such circumstances, the Hon'ble Supreme Court upheld the order of the High Court, that the denial of title by the tenant was bonafide. Hence, this decision will have no application to the facts of the present case. Therefore, I do not find any infirmity or perversity in the findings of the Rent Controller and the Rent Control Appellate Authority ordering eviction, by coming to the conclusion that there exists a landlord and tenant relationship.

29. Before proceeding to deal with the specific grounds of eviction sought for in the present case, I shall discuss the decisions that have been relied on by Mr.Madhan Babu, learned counsel for the petitioner. In *Cement Corpn of India Limited*, *David Joseph Guido*, *Savitri Bai and Tharammel Peethambaram's* cases (referred herein supra), the Courts have dealt with admissibility of secondary evidence by production of certified copies. Though Mr.Madhan Babu has relied on the above decisions, where Courts have consistently held that when there is no explanation as to why primary evidence has not been produced, secondary evidence cannot be permitted to be let in, it should be borne in mind, that the present proceedings are arising under the Tamil Nadu



Buildings Lease and Rent Control Act. It is a self contained Code and proceedings are conducted in a summary manner and strict rules of evidence, which cannot be dispense with in a Civil Court are not per se, applicable to Rent Control proceedings. Further, as rightly contended by Mrs.Chitra Sampath, learned Senior Counsel, when the factum of purchase under the said sale deed has not been disputed by the revision petitioner, I do not see why the respondents should be non suited for non production of the original sale deed.

30. As regards the decision in *Panidyan's* case (referred herein supra), relied on by Mr.Madhan Babu, for the proposition that the Rent Controller is entitled to order eviction only upon rendering a finding that the denial of title is not bonafide, I have no quarrel with regard to the said proposition. Equally, the ratio laid down in *Mr. K.Umar Khan's* case, (referred herein supra), where it has been held that when a title dispute is pending in respect of the ownership of the tenanted premises, then, the Rent Controller cannot decide grounds of eviction viz., willful default as well as denial of title. However as already discussed, as on date, the suit is one simpliciter for for the relief of permanent injunction. The amendment application filed by the petitioner seeking a larger relief is yet to be allowed and in such circumstances and for the discussion already made hereinabove, I do not see how these two decisions can be applied to the peculiar facts of this case.



31. Insofar as reliance being placed on *Union of India, Gopal Krishnaji Ketkar and Rangammal's* cases (referred herein supra), the Courts have held that when the party fails to produce best evidence then, adverse inference can be drawn against such party. Again these decisions are pressed into service only with regard to non production of the original sale deed. If at all, the petitioner had disputed the very factum of the purchase by the respondent, then the ratio laid down in these decisions can be applied and adverse inference can be drawn against the respondents. However, in the light of the facts of the present case, I do not see such requirement arising in the first place.

32. In *Bhogadi Kannababu's* case, the Hon'ble Supreme Court held that in an eviction petition, the Court needs to decide only whether relationship of landlord and tenant existed and not decide the question of title to the properties in question. In fact, in the facts of that case before the Hon'ble Supreme Court also, a tenant had denied relationship of landlord and tenant and the Hon'ble Supreme Court applying the principal of estoppel under Section 116 of the Evidence Act held that having recognised the right of the landlord, it was not open to the tenants to deny tile of the properties in question, in view of the bar under Section 116 of the Evidence Act.

33. The decisions in *State of Punjab* and *Anil Rishi's* cases, have been relied for the proposition that the burden of proof vests on a party who asserts



the affirmative of the issue. Relying on these decisions, Mr.Madhan Babu contended that the burden was only upon the respondent to establish existence of landlord and tenanted relation. I have no quarrel over the said settled legal position. However as already discussed in detail herein above, it is the admitted case of the petitioner that his father was inducted as a tenant. However, he contends that his father had put up the superstructure. Therefore, the burden clearly stood shifted to the petitioner to establish that the superstructure was up by the petitioner's father and consequently there was no jural relationship of land lord and tenant for the purposes of invocation of the provisions of the Rent Control Act.

34. Now coming to the grounds of eviction, insofar as willful default is concerned, the petitioner's own case is that his father was a tenant under the original owner Meera Bai Dawson. Admittedly, the petitioner acknowledges the factum of purchase of the subject property by the respondent. The petitioner has not been able to demonstrate that at any point of time, he has paid rents to the estate of Meera Bai Dawson, or atleast after the respondent purchased the property, payments were made to the respondent. No doubt, Mr.Madhan Babu, learned counsel contends that in the notice issued by the respondent, there is not even a whisper regarding the quantum of rent, leave alone demand for payment of rents. However, the tenant is bound to pay rents and cannot expect the landlord to make a demand every month, reminding the tenant of his legal



obligations. This Court has repeatedly held that it is the duty of the tenant to tender rents every month. Even if there is dispute with regard to the entitlement of the person claiming rent, there is an avenue open under the Act for the tenant to invoke and seek deposit of rents before the Court viz., Section 9(3) of the Act. The petitioner has not resorted to Section 9(3) of the Act as well. Admittedly, there is also no refusal to receive rent on the part of the respondent which would have given rise to a cause of action for filing of a petition under Section 8(5) of the Act. Therefore, the petitioner is clearly guilty of wilful default in payment of rents and I do not see any error committed by the Courts below in ordering eviction on this ground.

35. Insofar as denial of title, however, I am unable to confirm the eviction order, though passed concurrently. Admittedly, even prior to the filing of the eviction petition a Civil Suit has been filed before this Court, claiming right in respect of the property and therefore, even though there has been denial of title, I am unable to see this as a malafide denial of title, warranting an order of eviction. Therefore, I am unable to sustain the order of eviction on the ground of denial of title.

36. Coming to the ground of demolition and reconstruction, the respondent has been able to establish bonafides. The sanctioned plan for demolition and reconstruction has also been exhibited before the Rent



Controller. The question of financial capacity of the respondent has not even been doubted by the petitioner and the respondent has certainly proved its bonafides need of the premises for the purpose of demolition and reconstruction, entitling it to an order of eviction under Section 14(1)(b) of the Act.

37. For all the above reasons, the Civil Revision Petition is partly allowed, setting aside the eviction order on the ground of denial of title alone, while confirming the order of eviction on the grounds of willful default and demolition and reconstruction. No costs. Consequently, connected Miscellaneous Petition is closed.

38. Mr.Madhan Babu, learned counsel for the revision petitioner would bring to my notice that the appellate authority has imposed extemporary cost, may be set aside. Considering the order passed by me and also the findings arrived at in the present revision, I am inclined to set aside the imposition of extemporary cost by the Appellate authority.

07-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RKP

To

1. The Judge, IX Small Cause Court, Chennai (Rent Control Appellate Authority).
2. The Judge, XII Small Cause Court, Chennai (Rent Controller)



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CRP No.3833 of 2



P.B.BALAJI, J.

RKP

Pre-delivery Order in
CRP. No.3833 of 2026
and **CMP. No.16707 of 2026**

07-08-2026