

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2015

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(NPD) No.1352 of 2015

And

M.P.No.1 of 2015

M/s.CAM News Network Ltd.,
Represented by its Managing Director
Prince Solanki

... Petitioner

Vs.

Mr.V.R.Yuvaraj & Sons
HUF represented by its Kartha
V.R.Yuvaraj

... Respondent

Prayer:

Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 23 of 1973 against the order and decree passed in R.C.A.No.39 of 2012 by the Learned IX Judge of Small Causes Court at Chennai dated 30.01.2015 confirming the order and decree passed in R.C.O.P.No.1869 of 2008 by the Learned XIV Rent Controller, Small Causes Court at Chennai dated 23.12.2011.

For Petitioner : Mr.S.N.Narasimhulu

O R D E R

The un-successful tenant in R.C.O.P.No.1869 of 2008 is the revision petitioner.

2.The respondent initiated eviction proceedings against the petitioner under 10(2)(i) of Tamil Nadu Buildings (Lease and Rent Control) Act contending that the tenant has failed and neglected to pay the monthly rent of Rs.6,500/- from the month of July, 2006. The petition was resisted by the tenant stating that the Landlord has refused to receive rent demanding enhanced rent, service tax and maintenance charges.

3.Before the Rent Controller, the parties have adduced oral and documentary evidence. The Rent Controller after considering the evidence held that the tenant has committed wilful default and ordered eviction. The finding of the Rent Controller was confirmed by the Appellate Authority in R.C.A.No.39 of 2012. Aggrieved over the order, the present revision has been filed.

4.Mr.S.N.Narasimhulu, learned counsel for the petitioner submitted that the tenant is a company and due to change of the Directors of the company, the petitioner could not pay the rent regularly, that the tenant has tendered the rent, but it was refused by the landlord and that the tenant has deposited the entire arrears amount of Rs.2,40,500/- as per the order passed under Section 11(4)

of the Act, so there is no willful default in this case. I am unable to agree with the contentions of the learned counsel for the petitioner.

5.It is not in dispute that the petitioner had agreed to pay Rs.6,500/- per month as per the agreement dated 04.12.2005. The landlord filed the eviction petition contending that the tenant has failed to pay the rent from the month of July 2006. The only contention of the tenant is that the landlord had refused to receive the rent demanding service tax and maintenance charges and also demanding enhanced rent.

6.It is settled law that once the landlord refused to receive the rent, the tenant has to follow the procedures contemplated under Section 8 of the Act for depositing of rent to the Court. Indisputedly, the petitioner has not followed the procedure and chose to deposit the arrears of rents amounting of Rs.2,40,500/- on 13.11.2009 to comply the order passed by the Rent Controller under Section 11(4) of the Act. The Rent Controller as well as the Appellate Authority on proper appreciation of evidence held that the tenant has committed willful default. The finding of fact recorded by the Courts below does not warrant interference.

K.KALYANASUNDARAM,J.

7.In the result, this civil revision petition is dismissed. The
 petitioner shall vacate and handover possession to the landlord on or
 before 31.08.2015. The petitioner shall file an affidavit of undertaking
 to that effect within a period of two weeks from today. No costs.
 Consequently, the connected miscellaneous petition is closed.

30.03.2015

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To

- 1.The IX Judge of Small Causes Court at Chennai.
- 2.The XIV Rent Controller, Small Causes Court at Chennai.

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