

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2015

C O R A M

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

CRP.No.1026 of 2015
and
M.P.Nos. 1 & 2 of 2015

D.Evleynjegaraj

... Petitioner/Respondent

Vs.

1.K.Shaik Ali
2.S.Noorjahan

... Respondents/Petitioners

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act, against the order and decreetal order dated 19.01.2015 passed by the Hon'ble IX Small Causes Court at Chennai in RCA No.752 of 2014 against the order and decreetal order dated 27.11.2014 passed by the Hon'ble XI Small Causes Court at Chennai in M.P.No.537 of 2014 in R.C.O.P.No.947 of 2014.

For Petitioner: Mr.S.Sathya Narayanan

O R D E R

This civil revision petition arises out of the order dated 19.01.2015 passed by the Hon'ble IX Small Causes Court at Chennai in R.C.A.No.752 of 2014 filed against the order and decreetal order dated 27.11.2014 passed by the Hon'ble XI Small Causes Court at Chennai in M.P.No.537 of 2014 in R.C.O.P.No.947 of 2014.

2. The petitioner is the respondent in the eviction petition filed by the respondents in R.C.O.P.No.947 of 2014. The respondents filed M.P.No.537 of 2014 in R.C.O.P.No.947 of 2014 under Section 11 (3) of the Tamil Nadu Buildings (Lease and Rent Control) Act, for direction to the tenant to pay the arrears of rents since September 2013 till July 2014, amounting to Rs.2,20,000/- and also for further direction to pay the future rent at the rate of Rs.20,000/- per month.

3. The respondents have averred in the affidavit filed in support of the petition that they have purchased the petition property from Mrs.Nirmala Sankaran vide sale deed dated 26.08.2013 and the same was registered as document No.3372 of 2013 in the office of the Sub- Registrar, Anna Nagar.

4. The petition was resisted by the petitioner stating that the respondents are not landlords of the property and one Mrs. Nirmala Sanakaran is the owner of the property and she also claimed rent through Mr.Kumara Krishnan. It is further stated that due to dispute over the property, the petitioner had already filed a petition under Section 9 (3) of the Rent Control Act in R.C.O.P.No.538 of 2014. Despite objections, the Rent Controller directed the tenant to pay the arrears of rent of Rs.1,80,000/- on or before 11.12.2014.

5. Aggrieved by the order, the petitioner preferred an appeal in R.C.A. No.752 of 2014. The Appellate Authority has modified the order of the Rent Controller directing the tenant to deposit the arrears of rent into the credit of R.C.O.P.No.947 of 2014. Challenging the order, the present civil revision petition is filed.

6. Mr.S.Sathya Narayanan, learned counsel for the petitioner submitted that the petitioner has disputed the relationship of landlord and tenant between the petitioner and the respondents and due to threat of dispossession, the petitioner has filed a suit and an application in I.A.No.4086 of 2014 in O.S.No.1437 of 2014 for interim injunction. The First Assistant Judge, City Civil Court, Chennai, has granted an order of Ad interim injunction.

7. The learned counsel further submitted that the petitioner has filed R.C.O.P.No.538 of 2014, in view of the rival claim between the respondents herein and the previous landlady viz., Mrs.Nirmala Sankaran. He would further submit that pending the Rent Control Appeal, the tenant has deposited a sum of Rs.2,00,000/- on 05.01.2015 to comply with the conditional order of the Rent Control Appellate Authority. However, the Rent Control Appellate Authority while allowing the petition, directed the tenant to deposit the entire arrears of amount.

8. The learned counsel for the petitioner submitted that the Appellate Authority has not specifically directed the petitioner to deposit the amount in the R.C.O.P and the quantum was also not mentioned in the final order passed by the Appellate Authority. In view of the ambiguity in the order, the petitioner has filed the application for clarification, which is also returned as not maintainable.

9. Heard the argument of the learned counsel for the petitioner and perused the records.

10. It is seen that the petitioner is disputing the title of the respondents and also filed R.C.O.P.No.538 of 2014 seeking permission to deposit the rent under Section 9 (3) of the Rent Control Act. In M.P.No.537 of 2014 in R.C.O.P.No.947 of 2014, the Rent Controller has directed the petitioner to pay the entire arrears to the respondents. However, the Appellate Authority modified the order of the Rent

Controller and directed the petitioner to deposit the arrears of rent to the credit of R.C.O.P.No.947 of 2014.

11. According to the petitioner, she has deposited a sum of Rs.2,00,000/- to the credit of R.C.A.No.752 of 2014 on 05.01.2015. In view of the deposit made by the petitioner to the credit of R.C.A. No.752 of 2014, the petitioner is directed to deposit the arrears of rent, less Rs.2,00,000/- deposited, as per the order of the Appellate Authority. I do not find any illegality or irregularity in the order impugned in this revision.

In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. However, the Rent Controller shall dispose of the original petitions on merits and in accordance with law without being influenced by the observations made in this revision.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms/srn

To

1. The IX Small Causes Court at Chennai.
2. The XI Small Causes Court at Chennai.

+ 2 cc to Mr.S.Sathya Narayanan, Advocate SR.13321

TEJ(CO)
EU 20.04.2015

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