

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.((PD) No.1464 of 2015
and M.P.No.1 of 2015

S. Venkatesa Perumal

.... Petitioner

vs.

V. Ramkumar

.... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 against the order and decree dated 20.01.2015 made in R.C.A.No.347 of 2014 on the file of VII Court of Small Causes, Chennai (Appellate Authority), confirming the order and decree dated 10.04.2014, made in M.P.No.520 of 2013 in R.C.O.P.No.943 of 2013, on the file of X Court of Small Causes, Chennai.

For Petitioner	: Mr.T. Susindaran
For respondent	: Mr.T.D. Vasu for Mr.K.G. Vasudevan

ORDER

Aggrieved over the judgment and decree passed in R.C.A.No.348/2014 on the file of VII Court of Small Causes, confirming the order passed in M.P.No.520 of 2013 in R.C.O.P.No.943 of 2014, on the file of X Court of Small Causes, Chennai, the tenant has filed the above Civil Revision Petition.

2. The respondent/landlord filed a petition in R.C.O.P.No.943 of 2013 for eviction on the ground of wilful default. The petitioner/tenant filed his counter and was contesting the Original Petition.

3. In the said Original Petition, the respondent/landlord filed an application in M.P.No.520 of 2013 under Sec.11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 contending that the tenant had committed default of rent for 18 months at the rate of Rs.22,000/-per month amounting to Rs.3,96,000/- and thereby sought for eviction.

4. The tenant has filed his counter, disputing the averments stated in the affidavit, filed in support of the petition.

5. The Rent Controller, taking into consideration the case of both the parties, allowed the application and directed the tenant to pay a sum of Rs.1,40,000/-, being the arrears of rent from December 2011 to March 2014 at the rate of Rs.22,000/- per month on or before 22.4.2014 after deducting a sum of Rs.4,78,000/-, paid as advance and also made it clear that failure to deposit the amount will result in stoppage of further proceedings. Since the petitioner/tenant has not complied with the order passed by the Rent Controller, the Rent Controller also ordered eviction in R.C.O.P.No.943 of 2013.

6. The tenant preferred appeals in R.C.A.Nos.347 of 2014 and 348 of 2014 before the VII Judge of Court of Small Causes, challenging the order passed in M.P.No.520 of 2013 and also the order passed in R.C.O.P.No.943 of 2013.

7. The Rent Control Appellate Authority, taking into consideration the case of both the parties, also confirmed the order passed by the Rent Controller and dismissed both the appeals. Aggrieved over the order passed in M.P.No.520 of 2013 in R.C.O.P.No.943 of 2013, the tenant has filed the above Civil Revision Petition.

8. Though the tenant had contended that he spent Rs.15,00,000/- for running the business with the consent of the landlord, the said contention was not supported by any evidence, therefore, the said contention was disbelieved by the Courts below. The other contention raised by the petitioner/tenant was that he had given a sum of Rs.7,00,000/- as advance to the respondent/landlord, however, the landlord admitted that the petitioner had given a sum of Rs.5,00,000/- as security deposit.

9. In order to prove that the tenant had paid a sum of Rs.7,00,000/- as advance, he has not produced any document and therefore, this contention was also rejected by the Courts below.

10. After deducting a sum of Rs.5,00,000/-, the Courts below concurrently came to the conclusion that the tenant is liable to pay a sum of Rs.1,40,000/-, being the arrears of rent from December 2011 to March 2014 at the rate of Rs.22,000/- per month.

11. In the absence of any evidence to establish the case of the tenant that he has paid the entire arrears of rent, the Courts below has

rightly allowed the application, filed under Sec.11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, by the respondent/landlord in M.P.No.520 of 2013. The orders passed by the Courts below are just and proper and I do not find any illegality or irregularity in order to interfere with the order passed by the VII Judge of Court of Small Causes in R.C.A.No.347 of 2014, confirming the order and decree dated 10.4.2014 made in MP No.520 of 2013 in R.C.O.P.No.943 of 2013, on the file of X Court of Small Causes, Chennai.

12. In these circumstances, the Civil Revision Petition is devoid of merits and the same is dismissed. No costs. Consequently, connected MP is closed.

24-07-2015

sr

Index:no
website:yes

To

1. The VII Judge, Court of Small Causes, Chennai
2. The X Judge, Court of Small Causes, Chennai

M. DURAISWAMY,J.,

sr

C.R.P(PD)No.1464 of 2015

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