

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

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THE HONOURABLE MR.**JUSTICE D.HARIPARANTHAMAN**

**CRP (NPD) Nos.3674, 3675, 3676 and 3677 of 2015
and M.P.Nos.1 and 1 of 2015**

Sharfaz Ahmed

... Petitioner
in all CRPs

vs.

1.Minor Navaneetha Krishnan
2.Minor Thulaja Boi
rep. by their mother and
guardian Mrs.Malini

... Respondents
in all CRPs

Civil Revision Petitions have been filed against the judgment and decree dated 31.07.2015 in RCA Nos.115, 116, 117 and 118 of 2015 on the file of VII Judge, Small Causes Court, Chennai confirming the order and decree dated 23.01.2015 in MP.Nos.521 and 522 of 2014 in RCOP.87 of 2013 and MP.Nos.523 and 524 of 2014 in RCOP.88 of 2013 on the file of X Judge, Small Causes Court, Chennai.

For petitioner : Mr.K.V.Sundararajan

For Respondents : Mr.J.Abdul Hadi

COMMON ORDER

One tenant by name Sharfaz Ahmed is the revision petitioner in all these Civil Revision Petitions. The respondents, who are the minors, are the landlords.

2.The respondents filed RCOP.No.87/2013 on the file of X Small Causes Court, Chennai for eviction with respect to one premises at No.2, II Floor, bearing Door No.6, Murugesu Mudali Street, Choolai, Chennai – 600 112.

3.RCOP No.88/2013 was filed by the respondents herein for eviction with respect to another premises at Door No.26, Astabujam Road, Choolai, Chennai 600 112, which is adjacent to the aforesaid property mentioned in RCOP.87/2013.

4.The revision petitioner remained exparte and exparte decree was passed on 23.08.2013 in RCOP.Nos.87 and 88 of 2013.

5.Thereafter, the revision petitioner filed MP.522/2014 in RCOP.No.87/2013 to set aside the exparte decree made in RCOP.No.87/2013 along with MP.No.521/2014 to condone the delay of 310 days in filing the application to set aside the exparte decree.

6.Likewise, the revision petitioner filed MP.No.524/2014 in RCOP.No.88/2013 to set aside the exparte decree made in RCOP.No.88/2013 along with MP.No.523/2014 to condone the delay of 310 days in filing the application to set aside the exparte decree.

7.All those applications referred to above were dismissed by the learned Rent Controller by separate orders on 23.01.2015.

8.Hence, the revision petitioner filed RCA.Nos.115/2015, 116/2015, 117/2015 and 118/2015 against those orders.

9.The Appellate Court rejected all those appeals in RCA Nos.115

to 118 of 2015 on 31.07.2015. Hence, the revision petitioner filed the present Civil Revision Petitions.

10.Heard both sides.

11.The learned counsel for the respondents submitted that the revision petitioner has not paid the rent. According to him, the arrears of rent as on date is Rs.1,48,800/- in respect of RCOP.No.87/2013 and Rs.1,36,000/- in respect of RCOP.No.88/2013.

12.On the other hand, the learned counsel for the revision petitioner submitted that the premises were taken on lease and therefore, there is no rent due to pay.

13.However, the learned counsel for the revision petitioner is not able to produce the original copy of lease deed. Even according to the contention of the revision petitioner, the lease period expired in 2012 itself.

14.In these circumstances, the learned counsel for the revision petitioners submitted that without prejudice to the contention of the revision petitioner, this Civil Revision Petition may be allowed subject to certain reasonable conditions.

15.Therefore, considering the facts and circumstances of the case, I am inclined to set aside the orders dated 31.07.2015 made in

RCA.Nos.115 to 118 of 2015. Accordingly, the orders are set aside. Consequently, MP Nos.521 and 523 of 2014 to condone the delay of 310 days in filing the applications to set aside the exparte decree and MP Nos.522 and 524 of 2014 to set aside the exparte decree made in RCOP Nos.87 and 88 of 2013 are allowed.

16.RCOP Nos.87 and 88 of 2013 are remanded back to the learned Rent Controller for disposal on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order, subject to the following conditions:

(i)The revision petitioner shall pay the arrears of rent by way of demand draft in favour of the mother and guardian of the respondents/minors for a sum of Rs.1,00,000/- in the case of RCOP.No.87/2013 and Rs.75,000/- in the case of RCOP.No.88/2013 within a period of four weeks;

(ii)The revision petitioner also continues to pay the rent at Rs.2,400/- per month in the case of RCOP.No.87/2013 and Rs.4,000/- per month in the case of RCOP.No.88/2013 from November 2015 onwards.

(iii) The aforesaid rent for the month of November 2015 shall be paid on or before 10th of December, 2015 and the same shall be continued for every month on or before 10th of every succeeding month till the disposal of the RCOPs.

(iv)It is made clear that the above mentioned amount shall be payable without prejudice to the contention of both the parties.

17.All the Civil Revision Petitions are disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petitions are

closed.

26.10.2015

Index:Yes/No
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To

- 1.VII Judge, Small Causes Court, Chennai.
- 2.X Judge, Small Causes Court, Chennai.

D.HARIPARANTHAMAN, J.

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3676 and 3677 of 2015**

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