

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.4106 of 2015 &

M.P.No.1 of 2015

Vincent

... Petitioner

v.

Gokuldass

... Respondent

Civil Revision Petition filed under section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 as amended by Act 23 of 1973 and by Act 1 of 1980 to set aside the judgment and decree dated 27.07.2015 made in R.C.A.No.1 of 2014 on the file of Principal Subordinate Court, Tindivanam confirming the order and decreetal order dated 23.11.2011 made in R.C.O.P.No.1 of 2011 on the file of Principal District Munsif Court, Tindivanam.

For Petitioner : Mr.R.Thirugnanam

For Respondent : Mr.P.B.Balaji_

ORDER

Challenging the judgment and decree passed in R.C.A.No.1 of 2014 on the file of Principal Subordinate Court, Tindivanam, confirming the order of eviction passed in R.C.O.P.No.1 of 2011 on the file of Principal District Munsif Court, Tindivanam, the tenant has filed the above Civil Revision Petition.

2. The respondent-landlord filed the Original Petition in R.C.O.P.No.1 of 2011 for eviction on the ground of willful default and own use and occupation.

3. The petitioner-tenant filed his counter disputing the averments stated in the petition.

4. According to the petitioner-tenant, there is no willful default in paying the monthly rent and that the landlord is in possession of another building, therefore, the eviction should not be ordered on the ground of own use and occupation.

5. Though the petitioner-tenant filed his counter before the Rent Controller, the tenant has not entered the box to let in oral evidence. That apart, the tenant has not produced any document to establish his case before the Rent Controller. On the contrary, the landlord proved his case

with regard to willful default by examining himself as P.W.1 and marking two documents on his side. The evidence of P.W.1 and Exs.A1 and A2 would clearly establish that the petitioner-tenant had committed willful default in paying the monthly rent.

6. The Courts below, taking into consideration the case of the petitioner, rightly ordered eviction on the ground of willful default.

7. In order to establish the case, the tenant should have entered the box and proved his case by adducing oral and documentary evidences. In the case on hand, the tenant has miserably failed to prove his case by adducing oral and documentary evidences. In these circumstances, the order of eviction granted by the courts below on the ground of willful default is just and proper.

8. Mr.P.B.Balaji, learned counsel appearing for the respondent-landlord submitted that pursuant to the order of eviction granted by the courts below, the landlord took possession of the premises on 22.9.2015 in the execution proceedings and pursuant to which, the execution petition was also terminated.

9. In these circumstances, I do not find any reason to interfere with the concurrent findings of the courts below. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.11.2015

Index : No
Internet : Yes

Rj

To

- 1.The Principal Subordinate Court,
Tindivanam.
- 2.The Principal District Munsif Court,
Tindivanam.

M. DURAISWAMY,J.,

Rj

C.R.P.(NPD)No.4106 of 2015 &

M.P.No.1 of 2015

16.11.2015