

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.4679 of 2015 &

M.P.No.1 of 2015

K.M.Gopal Iyer and Sons
Represented by K.R.Prabakaran
S/o.K.G.Raghavan
No.2, Amman Koil Street,
Chennai – 3.

... Petitioner

v.

Mahendrakumar

... Respondent

Civil Revision Petition filed under section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act to set aside the order dated 31.07.2015 passed by the Lower Appellate Court in R.C.A.No.460 of 2014 on the file of Hon'ble VII Small Causes Court, Chennai by confirming the order dated 09.07.2014 in R.C.O.P.No.2702 of 2008 on the file of XVI Small Causes Court, Chennai.

For Petitioner : Mr.G.K.Sekar

ORDER

Challenging the judgment and decree passed in R.C.A.No.460 of 2014 on the file of VII Judge, Court of Small Causes, Chennai, confirming the order passed in R.C.O.P.No.2702 of 2008 on the file of XVI Judge, Court of Small Causes, Chennai, the tenant has filed the above Civil Revision Petition.

2. The respondent-landlord filed the Original Petition in R.C.O.P.No.2702 of 2008 for eviction on the ground of additional accommodation.

3. Though in the Original Petition the landlord has mentioned that the Original Petition has been filed under section 10(3)(c) of the Tamil Nadu Buildings (Lease and Rent Control) Act, on a perusal of the averments stated in the petition it is clear that the petition has been filed for eviction on the ground of additional accommodation. The said plea was also raised before the Courts below and both the courts have negated the defence taken by the petitioner-tenant.

4. According to the petitioner-tenant, the claim of the landlord is not bonafide in seeking for eviction on the ground of additional accommodation.

5. It is the case of the petitioner that he is running an electrical home appliances business in the petition premises on a monthly rent of Rs.133/-.

6. It is not in dispute that petition premises is located at Nyniappa Naicken Street, Chennai.

7. According to the learned counsel for the petitioner, the extent of the property is about 150 sq.ft.

8. From the pleadings it is clear that the tenant is paying a paltry sum of Rs.133/- as monthly rent to the respondent-landlord.

9. It is also brought to the notice of this court that the respondent-landlord has filed a petition for fixation of fair rent for the petition premises, which is also pending. P.W.1, in his examination, has categorically stated that in the first floor of the petition premises he is doing business from 1977 onwards. When the landlord is running a business in the first floor of the petition premises, one can understand that the landlord's requirement of the premises as additional accommodation is bonafide. In support of his case, the landlord also produced Ex.P5 to establish that he is doing business in the first floor of the premises. Taking note of all these aspects and finding that the requirement of the landlord is bonafide, both the courts below have concurrently held against the tenant and ordered eviction.

10. In these circumstances, I do not find any error or irregularity in the order passed by 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.

Index : Yes/No

14.12.2015

Rj

To

1. VII Judge,
Small Causes Court,
Chennai
2. XVI Judge,
Small Causes Court,
Chennai.

M. DURAISWAMY,J.,

Rj

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