

This revision is directed against the order dt.01.12.2014 passed by the Rent Control Appellate Authority in RCA No.404/2013 confirming the order dt.02.08.2013 passed in

MP No.310 of 2013 in RCOP No.626 of 2012 of the learned Rent Controller XII Small Causes Court, at Chennai.

2. The respondent in RCOP No.626 of 2012 is the petitioner in the present revision. The respondent, as landlady, initiated eviction proceedings against the petitioner under Section 10 (2) (vii), 10 (2) (i) and 10 (3) (a)P (i) of the Tamil Nadu Buildings (Lease and Rent Control) Act.

3. Brief facts of the case is as follows -

The landlady's husband, T.Kanagaraj had purchased a vacant building under the registered sale deed dated 16.04.1987 and constructed a superstructure thereon. The tenant was inducted on a monthly rent of Rs.5,000/-. The landlady became owner by virtue of a settlement deed dated 17.03.2003. It is further stated that the landlady recognized the petitioner as tenant and he was paying monthly rents regularly. However, from August 2011, the tenant did not pay the rent and also committed an act of wilful default. Further, it is averred that she require the tenanted premises for her own use and occupation.

4. The tenant filed his counter resisting the eviction petition. While so, the tenant filed M.P.No.310 of 2013 under Rule 11 r/w 28 (7) of the Tamil Nadu Buildings (Lease and Rent) Control Rules r/w 151 CPC to reject the eviction petition contending that there is no landlord – tenant relationship between the parties and that the landlady has not produced any material to establish the jural relationship of the parties.

5. The tenant has mainly contended that there is no evidence, primary or secondary to maintain the eviction petition. The application was opposed by the landlady. The Rent Controller having found that the landlady, through Exs.P1 to P17, proved her ownership and relationship of the parties, dismissed the petition filed by the tenant. The order of the Rent Controller was confirmed by the Appellate Authority in RCA No.404 of 2013. Aggrieved by the order, the present revision is filed.

6. Mr.R.Agilesh, learned counsel for the petitioner submitted that the petitioner is not a tenant under the

respondent and the respondent has not produced any documentary evidence to prove the relationship of the parties. It is further contended that the landlady has relied upon the settlement deed executed by her husband to claim title over the property but she has not produced any evidence to show that how the petitioner came into possession of the tenanted premises. The tenant mainly contended that there was no rental agreement between the parties and there was serious dispute about the title over the petition premises.

7. It is seen from the records that the landlady has specifically averred in the eviction petition that the tenant was paying rent of Rs.5,000/- since 1988 and after the landlady became the absolute owner of the property by virtue of the settlement deed dated 17.03.2003, the tenant was paying rent to her till July 2011, however defaulted to pay the rent from August 2011. Simply because there was no written lease agreement, the petitioner cannot dispute the relationship of parties. The landlady has to be given opportunity to establish her case. In my considered opinion, the petitioner has not made out a case for

rejection of the eviction petition. The Rent Controller and the Appellate Authority have rightly rejected the petition filed by the tenant. I do not find any merit in this revision.

8. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

18.02.2015

Index:Yes/No
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To

1.The XII Judge,
Small Causes Court,
Chennai.

2.The VIII Judge,
Small Causes Court,
Chennai.

K.KALYANASUNDARAM,J

rgr

C.R.P (NPD)No.664 of 2015

18.02.2015