

This revision arises out of the order passed in RCA No.2 of 2012 dated 31.10.2014 confirming the order made in RCOP No.21 of

2010.

2. The unsuccessful tenant in the eviction petition is the petitioner before this Court.

3. The respondent initiated eviction proceedings against the petitioner in RCOP No.21 of 2010 under Section 10 (2) (i) and (vi) of the Tamil Nadu Buildings (Lease and Rent Control) Act. The landlord has averred in the petition that the tenant was inducted on a monthly rent of Rs.2250/- but he failed and neglected to pay the rents from September 2009. It is further alleged that the tenant is attempting to change the name of the business in the petition premises by sub-letting.

4. The tenant opposed the eviction petition contending that the monthly rent was Rs.1500/- and he paid rent upto February 2009. Subsequently, the landlord refused to receive the amount demanding Rs.2500/- per month. Hence, the tenant filed RCOP No.10 of 2009 for depositing the rents into the court. It is further stated that the tenant also filed a suit in O.S.No.286 of 2009 against the landlord for permanent injunction.

5. Before the Rent Controller, the parties have adduced

oral and documentary evidence. PW1, the landlord has given evidence stating that the tenant did not pay rent from September 2008 and the rent was Rs.2,250/- per month. Ex.P4 is the extract which shows that the tenant was not regularly depositing the rent in RCOP No.10 of 2009. Both the Rent Controller and the Appellate Authority found that even pending eviction petition, the tenant was not depositing the rent regularly.

6. In the judgment of this Court in ***Hemalatha Dolia v. Rajammal*** reported in ***2011 (3) LNJ 105 (Civil)***, it is held as follows -

Tamil Nadu Building (Lease and Rent Control Act) 1960 - Section 10(2) (1) and 10 (3) (a) (iii) - Petition filed on the ground of wilful default and of owner's occupation - dismissed by trial court and eviction was ordered by appellate authority on the ground of wilful default - on revision by tenant it was held that even though tenant not committed any wilful default during the period prior to the filing of the petition, but was irregular in payment of rents payable during the pendency of the proceedings amounts to wilful default and confirmed eviction order of appellate authority - CRP Dismissed.

7. It is settled law that if the tenant has not paid the rent regularly even after initiation of eviction proceedings on the ground of

wilful default, it should be construed as wilful default. The Rent Controller and the Appellate Authority, on the basis of evidence of PW1 and Ex.P4 held that the tenant has committed wilful default. The Appellate Authority has also followed the judgment of this Court in ***Hemalatha Dolia v. Rajammal's case***, referred supra. Hence, I do not find any perversity or illegality in the order of the Rent Control Appellate Authority.

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

9. At this juncture, the learned counsel for the petitioner seeks time to vacate the petition premises. Considering the fact that the petitioner is carrying on business in the petition premises, he is directed to deliver the vacant possession of the petition premises to the landlord, on or before 31.10.2015. The petitioner is directed to pay the arrears, if any, to the landlord, within a period of two weeks from the date of receipt of a copy of this order and continue to pay the rent regularly.

24.02.2015

Index:Yes
rgr

K.KALYANASUNDARAM,J

rgr

To

1.The Subordinate Judge,
Pollachi.

2.The District Munsif,
Pollachi,
Coimbatore District.

C.R.P (NPD)No.795 of 2015

24.02.2015