

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(NPD) NO.859 OF 2015
AND M.P.NO.1 OF 2015

Uma Moghan ... Petitioner

Vs.

Mouhamadaby Razac ... Respondent

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1973 against the judgment and decree dated 09.10.2014 passed in R.C.A.No.28 of 2012 by the III Additional District Court, Pondicherry, confirming the judgment and decree dated 16.10.2012 passed in H.R.C.O.P.No.3 of 2006 before the Rent Controller, Puducherry.

For Petitioner : Ms.R.Meenal

ORDER

Heard the submissions made by Ms.R.Meenal, learned counsel for the petitioner and perused the materials available on record.

2.This Civil Revision Petition is directed against the judgment and decree dated 09.10.2014 passed in R.C.A.No.28 of 2012 by the learned III Additional District Judge, Pondicherry, confirming the judgment and decree dated 16.10.2012 passed in H.R.C.O.P.No.3 of 2006 by the Rent Controller, Puducherry.

3.The petitioner herein is the tenant and the respondent is the landlady. The respondent / landlady filed a petition in H.R.C.O.P.No.3 of 2006 against the petitioner under Section 10(2)(1) of the Pondicherry Buildings (Lease and Rent Control) Act 1969 seeking eviction of the tenant on the ground of wilful default. In the said petition, the landlady has contended that the tenant was inducted in the petition premises in the year 1992 and the original rent of Rs.500/- was enhanced to Rs.3,000/- from January 2004. It is further stated that the tenant has paid rent only upto September 1997.

4.Earlier, the landlady filed a petition in H.R.C.O.P.No.19 of 1998 seeking eviction on the ground of wilful default. Subsequently, the said petition was withdrawn on 22.02.1999 on the request of the tenant that she would pay the rent regularly. The landlady has further averred that the tenant has failed to pay rent from October 1997 and the arrears of rent comes to Rs.3,08,500/-.

5.The tenant resisted the petition stating that the landlady was receiving rents in lump sum and she was not in the habit of issuing receipts. In the month of November 2006, the power agent of the landlady demanded enhancement of rent at the rate of Rs.1500/- from January 2006. Since the demand was exorbitant, the tenant refused to pay rent.

6.Before the Rent Controller, the parties have adduced both oral and documentary evidence. The landlady has given evidence stating that the tenant has not paid rent from January 1999. The tenant has produced Exs.R1 and R2, which would reveal that she has paid rent up to December 1998. The landlady earlier filed H.R.C.O.P.No.19 of 1998 on the ground of wilful default and the same was withdrawn on 22.02.1999.

7.The Rent Controller, after considering the oral evidence and Exs.R1 and R2, held that the tenant has paid rent only up to January 1999 and failed to pay rent subsequently from February 1999 for a period of 152 months. The Rent Controller has further held that the tenant has not produced any evidence to show the payment of rent from February 1999. The Rent Controller ordered eviction on the ground of wilful default and the same was confirmed by the appellate authority, vide order dated 09.10.2014. Challenging the order, the present Civil Revision Petition is filed.

8. In my view, the finding of facts recorded by both the authorities on the basis of the evidence does not warrant interference by this Court.

9. In the result, this Civil Revision Petition is dismissed. The tenant shall vacate and hand over possession to the landlady on or before **30.09.2015**.
No costs. Consequently, connected miscellaneous petition is closed.

26.02.2015

(1/2)

Index : Yes/No
Internet : Yes/No
TK
To

1. The III Additional District Judge
Pondicherry.

2. The Rent Controller
Puducherry.

K.KALYANASUNDARAM, J.

TK

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(1/2)