



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(NPD) (MD).NO.187 of 2015 and M.P.(MD).No.1 of 2015

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E.Sankaran ... Revision Petitioner/Appellant/Petitioner-Tenant
vs.

1.Ramalakshmi

2.Peratchi Selvi

3.Chinnammal @ Jeya ... Respondents/Respodnents/Respondents-Landlords

PRAYER: This Civil Revision Petition filed under Section 25 of The Tamil Nadu Buildings (Lease & Rent Control) Act, 18/1960 as amended by Tamil Nadu Act 23/1973, against the fair and decreetal order dated 12.09.2014 passed in R.C.A.No.3 of 2014 on the file of Rent Control Appellate Authority (Principal Sub-Court), Tirunelveli Confirming the fair and decreetal order dated 13.12.2012 passed in R.C.O.P.No.54 of 2011 on the file of Rent Controller (1st Additional District Munsif Court), Tirunelveli.

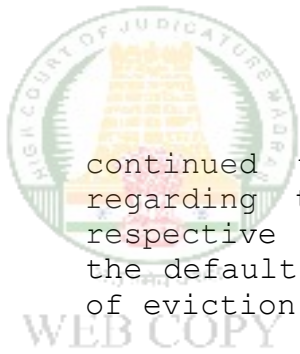
For Petitioner : Mr.G.Venugopal

O R D E R

The tenant in R.C.O.P.No.54 of 2011 has filed the revision petition before this Court.

2.The eviction was sought for by the landlord on the grounds of wilful default, change of user and own requirement and for costs. The trial Court allowed the application only on the ground of wilful default. Aggrieved by the same, the tenant had filed R.C.A.No.3 of 2014 before the Rent Controller Appellate Authority, which also confirmed the order of eviction passed by the Rent Controller, Tirunelveli and granted two months time for the tenant to vacate the premises. Aggrieved by the said order, the above said revision petition has been filed.

3.It is contended by the petitioner that the Rent Controller Appellate Authority had not considered the oral and documentary evidence in a proper and perspective manner and mechanically held that the petitioner defaulted in paying the rent. He further contended that the evidence of P.W.1 landlord was not considered by the Appellate Authority wherein he had categorically admitted in his evidence that he had not issued any prior notice before initiating the proceedings. Issuance of notice prior to the proceedings is not mandatory in Rent Control Proceedings. However, once notice is issued the landlord can proceed only after the notice period is over. Therefore, the said ground is not available to the tenant. Though the learned counsel for the petitioner contended that the Appellate Authority independently had not considered the question of arrears of rent, he is not able to establish before this Court that there was no default on the part of the tenant. It is alleged by the tenant that after the death of the original landlord, the legal heirs refused to accept the rent. If that is so, he could have deposited the rent in the manner known to law as provided in the Act. Having failed to do so, the tenant cannot take advantage of his own fault and



continued to squat over the property. Though there is a dispute regarding the amount of rent, there is no document to prove the respective rent rate payable by the tenant. The landlord has established the default committed by the tenant and he is also entitled for an order of eviction, which has been granted by the Authorities Below.

4.This Court finds no reason to interfere with the same as the said order does not suffer from any infirmity or material irregularity. Therefore, the order of eviction passed by the Rent Controller in R.C.O.P.No.54 of 2011 as confirmed by the Appellate Authority in R.C.A.No.3 of 2014, is confirmed and the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

5.However, the learned counsel for the petitioner sought for reasonable time to vacate the premises. The premises being occupied for residential purpose and also considering the age of the tenant, six months time is granted to vacate the premises.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Principal Subordinate Judge/The Rent Control Appellate Authority
Tirunelveli.

2.The I Additional District Munsif/The Rent Controller,Tirunelveli.

+1cc to Mr.M.P.Senthil,Advocate, SR.No.5989

C.R.P. (MD) .No.187 of 2015
10.02.2015

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