



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:24/3/2015

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA
C.R.P.NPD (MD) No.323 of 2015
and MP(MD)NO.1 of 2015

WEB COPY

Arul ...Petitioner/Appellant/Respondent-Tenant

Vs

Muthusamy Iyer ...Respondent/Respondent/Petitioner-Landlord

Petition filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960 against the fair and decreetal order of the Rent Control Appellate Authority (Principal Sub-Judge), Kumbakonam in R.C.A.No.2 of 2013 dated 24/11/2014, confirming the fair and decreetal order of the learned Rent Controller/District Munsif-cum-Judicial Magistrate, Papanasam in R.C.O.P.No.2 of 2011 dated 19/2/2013.

For petitioner ... Mr.S.Rajaprabu
For respondent ... Mr.D.Anbarasu

O R D E R

The tenant is the revision petitioner, who has lost before both the authorities below.

2. The eviction petition was filed on the ground of willful default and for carrying on repairs under Section 14 (1) (A) of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960. The admitted rent was Rs.800/- and it was enhanced to Rs.1,000/- p.m. As per the petition from February 2009 to May 2011, the tenant had defaulted in payment of rent. As he has defaulted in payment of rent and also the building is damaged, the landlord wanted to evict the tenant and carry on the repairs in the building.

3. The said petition was resisted by the tenant denying the fact that it is only Rs.800/- p.m., and the claim of Rs.1,000/- p.m., is disputed. According to the tenant, there was no default and that the building is also in a good condition which does not require any repairs.

4. The authorities below had concurrently held that there was a willful default committed by the tenant and the building is also in a damaged condition which requires repairs. Aggrieved by the said decision, this Civil Revision Petition has been filed by the tenant.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent.



6. The petition mentioned premises has been used as a lorry booking office by the tenant. The ownership is not denied. The landlord also has got several other shops around the petition mentioned premises. The tenant claims to have been paying the rent every month without default and at the time of remittance, the landlord used to make endorsement in கச்சாத்து and till the date of petition, the landlord had made endorsements for the receipt of the rent.

7. According to the tenant, for all the other shops which were let out by the landlord, such endorsements had been made. P.W.1, one Sekar has been examined on behalf of the landlord, but nothing has been elicited from his evidence. R.W.2 also has stated that he is not aware of the payment of the rent as claimed by the tenant. When the landlord had alleged default from the year 2009, the tenant has not taken any steps to pay the rent or prove the payment of rent. Even pending proceedings, there seems to be a default in payment of rent. The claim of advance of Rs.5,000/- paid to the landlord was also not pleaded and proved by the tenant. In such circumstances, the authorities below had come to a definite conclusion that the tenant had committed default in payment of rent which finding need not be disturbed.

8. In the result, this Civil Revision Petition is dismissed, confirming the order passed by the Rent Control Appellate Authority (Principal Sub-Judge), Kumbakonam in R.C.A.No.2 of 2013 dated 24/11/2014, confirming the fair and decretal order of the learned Rent Controller/District Munsif-cum-Judicial Magistrate, Papanasam in R.C.O.P.No.2 of 2011 dated 19/2/2013. No costs. The tenant is given three months time to vacate and hand over the premises in question to the land lord. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

mvs.

To

1. The Rent Control Appellate Authority (Principal Sub-Judge), Kumbakonam
2. The Rent Controller/District Munsif-cum-Judicial Magistrate, Papanasam.
3. The Section Officer,V.R.S.Ection, Madurai Bench of Madras High Court, Madurai.

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