

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

Civil Revision Petition (NPD) No.1830 of 2015
& M.P. No. 1 of 2015

Thirugnanasambandam

... Petitioner

Vs

Savarimuthu

... Respondent

PETITION under Section 25 of the Tamil Nadu Lease and Rent Control Act praying to set aside the Fair and decreetal order dated 21.01.2013 made in I.A.No.137 of 2010 in R.C.A.No.1 of 2009 on the file of Sub Court, Ariyalur.

For Petitioner : Mr.S.Mukunth
For Respondent : Mr.R.Jayakumar

ORDER

Challenging the fair and decreetal order dated 21.01.2013 passed in I.A.No. 137 of 2010 in R.C.A.1 of 2009 on the file of Rent Control Appellate Authority, Sub Court, Ariyalur, the petitioner/tenant has filed the above Civil Revision Petition.

2. The respondent/landlord filed R.C.O.P. No. 1 of 2008 for eviction under Sections 10(2)(i) and 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent control) Act (hereinafter referred to as "the Act") before the Rent Controller/District Munsif, Jayamkondan. After contest, the Rent Controller ordered eviction on the ground of wilful default and demolition and reconstruction.

3. Aggrieved over the order of eviction passed in R.C.O.P. 1 of 2008, the tenant preferred an appeal in R.C.A.No. 1 of 2009 on the file of the Rent Control Appellate Authority, Sub Court, Ariyalur. Since the tenant was in arrears of rent for a period of 35 months, the landlord filed an application in IA. No. 137 of 2010 under Section 11(4) of the Act. Admittedly, the monthly rent payable by the tenant was Rs. 250/-. The tenant filed his counter and contested the application. The Rent Control Appellate Authority, taking into consideration the case of both parties, allowed the application. Against this order, the petitioner/tenant has filed the above Civil Revision Petition.

4. When the Civil Revision Petition was listed for admission on 28.04.2015, this Court while ordering notice of motion, granted an order of

interim stay on condition that the petitioner/tenant depositing a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of R.C.O.P.No.1 of 2008 within a period of four weeks.

5. The learned counsel appearing on either side submitted that the petitioner/tenant has not complied with the conditional order passed by this Court. That apart, the application in IA.No.137 of 2010, filed under Section 11(4) of the Act, was allowed by the Rent Control Appellate Authority on 21.01.2013. As per the order, the tenant was directed to pay a sum of Rs. 8,750/- (Rupees eight thousand seven hundred and fifty only), being the rental arrears of 35 months at the rate of Rs.250/- per month. Though an order was passed in January 2013, the tenant has not paid a single pie to the respondent/landlord or deposited any amount to the credit of R.C.O.P. No. 1 of 2008.

6. The Rent Control Appellate Authority, while allowing the application in I.A. No. 137 of 2010 in paragraph No. 6 of the order has stated that the tenant is liable to pay the rent at the rate of Rs. 8,750/- per month. Since in the petition itself, the landlord has stated that the arrears for the period from December 2007 to November 2010, amounts to Rs.

8,750/- at the rate of Rs.250/- per month, the observation made by the Rent Control Appellate Authority, that the monthly rent payable is Rs.8,750/-, is not correct. The tenant is liable to pay rent only at Rs.250/- per month.

6. In these circumstances, I do not find any reason to interfere with the order passed by the Rent Control Appellate Authority. The conduct of the tenant would clearly establish that he had committed wilful default in paying the monthly rent to the respondent/landlord. Even after a lapse of more than 3-½ years, the petitioner/tenant has not paid the amount of Rs.8,750/- towards the rental arrears.

7. In view of the above, the fair and decreetal order passed by the Rent Control Appellate Authority in R.C.A. No. 1 of 2009 are confirmed and the Civil Revision Petition is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

26.09.2016

vj2/rts

Index : Yes/ No
Internet : Yes

To

1. The Subordinate Judge, Ariyalur.
2. The District Munsif, Jayamkondam.

M.DURAISWAMY,J.,
vj2/rts

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