

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.4571 of 2015 &
M.P.No.1 of 2015

Padmanaban

... Petitioner

v.

Karunanidhi (died)
Rep. By his LRs and legatee
Seenuvasan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Judgment and Decree in R.C.A.No.1 of 2015, dated 07.07.2015, on the file of Principal District Judge, Puducherry against the fair and decretal order dated 14.11.2014 in H.R.C.O.P. No.26 of 2004 on the file of Rent Controller, Puducherry.

For Petitioner : Mr.Antoni

For Respondent : Mr.T.P.Manokaran

O R D E R

Challenging the judgment and decree passed in R.C.A.No.1 of 2015 on the file of Principal District Court, Puducherry confirming the order passed in H.R.C.O.P. No.26 of 2004 on the file of Rent Controller, Puducherry, the tenant has filed the above Civil Revision Petition

2. The respondent-landlord has filed the Original Petition in H.R.C.O.P. No.26 of 2004 for eviction on the ground of owner's occupation by demolition and reconstruction and putting the premises for different use.

3. In the affidavit filed in support of the petition, the landlord has stated that he requires the premises for his own use and occupation and that the building needs to be demolished and reconstructed. Further, the landlord has stated that the tenant is using the premises for different use than for the purpose the premises was leased out.

4. The tenant filed his counter and contested the matter.

5. Before the Rent Controller, on the side of the landlord, 2 witnesses were examined and 15 documents Exs. P1 to P15 were marked and on the side of the tenant, R.W.1 was examined, however, no document was marked.

6. The Rent Controller, after taking into consideration the oral and documentary evidences let in by both the parties, ordered eviction on the ground of owner's occupation by demolition and reconstruction.

7. Aggrieved over the order of passed by the Rent Controller, the tenant preferred an appeal in R.C.A.No.1 of 2015 on the file of Principal District Court, Puducherry and the Appellate Authority also confirmed the eviction order passed by the Rent Controller and dismissed the appeal.

8. Aggrieved over the concurrent findings of the courts below, the tenant has filed the above Civil Revision Petition.

9. Heard Mr.Antony, learned counsel appearing for the petitioner and Mr.T.P.Manokaran learned counsel appearing for the respondent.

10. On a careful consideration of the materials available on record and the submissions made by the learned counsel on either side, it could be seen that the landlord has established his case by oral and documentary evidences with regard to owner's occupation by demolition and reconstruction. P.W.2, who is the Civil Engineer by profession, had stated that the age of the building is more than 40 years and that it needs to be demolished. Further, the courts below took into consideration the topography of the property and

found that the premises needs to be demolished and reconstructed, which would be beneficial to the landlord. Since the landlord has established his case by adducing oral and documentary evidences, the courts below have concurrently found that the landlord is entitled to get an order of eviction on the ground of owner's occupation by demolition and reconstruction. The evidence of P.W.2 would establish that the building is in a bad condition, which requires demolition and reconstruction.

11. In these circumstances, I do not find any reason to interfere with the concurrent findings of the courts below. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2016

Index : Yes/No

Rj

To

1. Principal District Court,
Puducherry
2. The Rent Controller
Puducherry

M. DURAISWAMY,J.,

Rj

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