

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.1240 of 2016 &

C.M.P.No.6775 of 2016

S.Vajaravelu

... Petitioner

v.

R.Rajendran

... Respondent

Civil Revision Petition filed under section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 against the judgment and decree dated 05.01.2016 made in R.C.A.No.56 of 2014 on the file of Principal Sub Court, Coimbatore confirming the order dated 26.06.2014 made in R.C.O.P.No.106 of 2010 on the file of Rent Controller cum I Additional District Munsif, Coimbatore.

For Petitioner : Mr.M.Velmurugan

For Respondent : Ms.G.Uma Maheswari
for Mr.S.Ramesh

ORDER

Challenging the judgment and decree passed in R.C.A.No.56 of 2014 on the file of Principal Subordinate Court, Coimbatore confirming the order passed in R.C.O.P.No.106 of 2010 on the file of Rent Controller cum I Additional District Munsif Court, Coimbatore, the tenant has filed the above Civil Revision Petition

2. The respondent-landlord has filed the Original Petition in R.C.O.P.No.106 of 2010 for eviction on the ground of additional accommodation.

3. The case of the landlord is that the tenant is paying a sum of Rs.1,100/- as monthly rent. Further, the landlord has stated that he is suffering for want of space and that he and his family members are suffering with all inconvenience and unable to reside in the existing house.

4. The tenant filed his counter wherein he has stated that he is a physically handicapped person engaged in manufacturing sweets and savories. Further, he has stated that the landlord does not require the premises as additional accommodation. Further, the tenant has stated that only to cause hardship to him, the landlord has filed the Rent Control Original Petition.

5. Before the Rent Controller, on the side of the landlord, he was examined as P.W.1 and 2 documents Exs. P1 and P2 were marked and on the side of the tenant, 2 witnesses were examined and 14 documents Exs. R1 to R14 were marked

6. The Rent Controller, after taking into consideration the oral and documentary evidences let in by both the parties, allowed the petition and ordered eviction.

7. As against the order of passed by the Rent Controller, the tenant preferred an appeal in R.C.A.No.56 of 2014 and the Rent Control 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. In the petition, the landlord has stated that he require the petition premises for himself and his family members to reside in the said house and that he requested the tenant to vacate and handover vacant possession of the premises and also sent Ex.P1 legal notice to him.

10. Though the tenant was examined in chief as R.W.1, since he was

not cross examined, the evidence let in by him in chief examination was struck off by the Rent Controller on 29.01.2014. Thereafter, the daughter of the tenant was examined as R.W.2. In her evidence, R.W.2 has stated that her father, who is the tenant under the respondent is owning two houses within two kilo meters from the petition premises. R.W.2 denied the suggestion that the tenant is residing only in Door Nos. 90 and 91A , Bajanai Kovil Street, Vysyal Street, Coimbatore and not in the petition premises.

11. From the evidence of R.W.2, it is clear that the tenant is having his own alternative accommodation. On the contrary, the tenant failed to establish that the landlord is having another suitable place for him to reside. R.W.2 also admitted that the landlord's family have large number of members hence, it would be justifiable to seek for additional accommodation.

12. The courts below taking into consideration the evidence of P.W.1 and R.W.2 and also the documents marked on the side of the landlord, rightly ordered eviction. The case of the landlord was established by him by adducing oral and documentary evidences.

13. 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.

Index : Yes/No

03.11.2016

Rj

To

1. Principal Subordinate Court,
Coimbatore
2. The Rent Controller cum I Additional District Munsif
Coimbatore

M. DURAISWAMY,J.,

Rj

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