

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2002 of 2016 &

C.M.P.No.10452 of 2016

D.Premaram

... Petitioner

v.

P.Leelavathy

... Respondent

Civil Revision Petition filed under section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 to set aside the order dated 08.12.2015 made in R.C.A.No.65 of 2014 on the file of Principal Sub Court, Coimbatore confirming the order dated 07.07.2014 made in I.A.No.99 of 2014 in R.C.O.P.No.4 of 2012 on the file of I Additional District Munsif of Coimbatore.

For Petitioner : Ms.P.T.Asha
for M/s. Sarvabhauman Associates

For Respondent : Mr.Ma.P.Thangavel

O R D E R

Challenging the judgment and decree passed in R.C.A.No.65 of 2014 on the file of Principal Subordinate Court, Coimbatore confirming the order passed in I.A.No.99 of 2014 in R.C.O.P.No.4 of 2012 on the file of 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.4 of 2012 for eviction on the ground of own use and occupation.

3. The tenant filed his counter and is contesting the matter.

4. Subsequently, the landlord filed an application in I.A.No.99 of 2014 under Order 6 rule 17 of CPC to amend the pleadings by including paragraph 8(a), in which, the landlord seeks to evict the tenant on the ground that the premises is required for running a watch shop standing in her husband name.

5. The Rent Controller taking into consideration the case of both the parties, allowed the application finding that no prejudice would be caused to the tenant.

6. Aggrieved over the order of passed by the Rent Controller, the tenant preferred an appeal in R.C.A.No.65 of 2014 on the file of Principal Subordinate Court, Coimbatore and the Appellate Authority also confirmed the eviction order passed by the Rent Controller and dismissed the appeal.

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

8. On a perusal of the affidavit filed in support of the application, it could be seen that the landlord has stated that the premises is required for running the watch shop in the petition premises, which has been run by her husband.

9. The learned counsel appearing for the petitioner-tenant submitted that the petition premises measures only an extent of 250 sq.ft. and therefore, the contention raised by the landlord cannot be accepted. The learned counsel further submitted that originally, the landlord sought to evict the tenant on the ground that the premises is required for her grand-daughter to run tuition centre in the petition premises. The learned counsel also submitted that in an extent of 250 sq.ft., the landlord cannot run tuition center as well as watch shop.

10. Since the contention raised by the learned counsel for the petitioner-tenant is a matter for evidence, I am of the view that the said issue can be decided by the Rent Controller at the time of deciding the Original Petition.

11. At this juncture, the learned counsel for the petitioner, seeks permission of this court to file additional counter in R.C.O.P.No.4 of 2012.

12. In these circumstances, I do not find any error or irregularity in the orders passed by the courts below. The Civil Revision Petition is devoid of merits and is liable to be dismissed. The petitioner-tenant is at liberty to file additional counter before the Rent Controller, within a period of two weeks from the date of receipt of a copy of this order. Since the Rent Control Original Petition is of the year 2012, I direct I Additional District Munsif Court, Coimbatore, to dispose of the Original Petition in R.C.O.P.No.4 of 2012, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

With these observations, the Civil Revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Rj

To

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

M. DURAISWAMY,J.,

Rj

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