

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

**C.R.P.(NPD).No.2040 of 2016
and C.M.P.No.10617 of 2016**

Surya Kala

... Petitioner

Vs.

Bhavani Ramachandran

... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act against the fair and decreetal order dated 16.06.2016 made in I.A.No.24 of 2016 in R.C.A.No.7 of 2014 on the file of the Subordinate Court, Tambaram.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.T.S.Baskaran

ORDER

Challenging the order passed in I.A.No.24 of 2016 in R.C.A.No.7 of 2014 on the file of the Subordinate Court, Tambaram, the tenant has filed the above Civil Revision Petition.

2.The respondent/landlord filed R.C.O.P.No.37 of 2011 on the file of the Principal District Munsif Court, Alandur for eviction on the ground of willful default and act of waste. The Rent Controller ordered eviction,

against which the tenant preferred an Appeal in R.C.A.No.7 of 2014. In the Rent Control Appeal, the tenant filed an application in I.A.No.24 of 2016 seeking for stay of all further proceedings in E.P.No.2 of 2014 in R.C.O.P.No.37 of 2011 on the file of the Principal District Munsif Court, Alandur.

3.According to the petitioner, the monthly rent for the petition premises is Rs.4,000/-. The stay petition filed by the tenant was opposed by the landlord stating that the petitioner is in arrears of rent for several months.

4.It is also brought to the notice of this Court that the tenant filed a memo before the Executing Court in E.P.No.2 of 2014 giving an undertaking that she would vacate the premises in six weeks time (i.e.) on or before 17.04.2016.

5.The present application seeking for stay of all further proceedings was filed subsequent to 17.04.2016. The Rent Control Appellate Authority, taking into consideration the memo filed by the tenant before the Executing Court, dismissed the petition.

6.Mr.T.S.Baskaran, learned counsel appearing for the respondent/ landlord submitted that the respondent also filed an application in I.A.No.14 of 2015 in R.C.A.No.7 of 2014 under Section 11 (4) of the Tamil Nadu Buildings (Lease and Rent Control) Act to direct the petitioner/tenant to pay a sum of Rs.1,56,000/- towards arrears for a period of 39 months and the said application was also allowed by the Rent Control Appellate Authority on 16.06.2016 (i.e.) on the same day, on which date the stay petition was also dismissed by the Rent Control Appellate Authority. However, the tenant has not challenged the order passed in I.A.No.14 of 2015.

7.In the said order, the Rent Control Appellate Authority directed the tenant to deposit a sum of Rs.1,56,000/- towards arrears of rent for a period of 39 months within one month from the date of the order and also made it clear that failure to deposit the said sum would result in stoppage of the main appeal and the landlord will be put in possession of the premises. Inspite of the order dated 16.06.2016 passed in I.A.No.14 of 2015, the tenant has not paid the arrears of rent and also did not challenge the said order.

8. Since the order passed in I.A.No.14 of 2015 has become final, I do not find any reason to interfere with the order passed in I.A.No.24 of 2016. The Rent Control Appellate Authority has rightly dismissed the petition.

9. In these circumstances, I do not find any error or irregularity in the order passed by the Rent Control Appellate Authority. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
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To

The Subordinate Court,
Tambaram.

M.DURAIWAMY,J.
va

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