

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2439 of 2016

and

C.M.P.No.12603 of 2016

Mala

W/o.Balu

... Petitioner

vs

1.Rajamma (deceased)

W/o.C.V.Narasimhamurthy

2.C.V.Narasimhamurthy

S/o.C.Venugopal Chetty

3.C.N.Mohanraj

S/o.C.V.Narasimhamurthy

4.C.N.Kamini Sree,

D/o.C.V.Narasimhamurthy

... Respondents

(Respondents 2 to 4 brought on record as
per order passed in C.M.P.No.2972/16
dated 29.07.2016)

Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings
(Lease and Rent Control) Act, 1960, against the judgment of learned VIII
Judge, Court of Small Causes, Chennai, passed in R.C.A.No.487 of 2013 on

20.11.2014 reversing the order of learned XV Judge, Court of Small Causes, Chennai, passed in M.P.No.771 of 2012 in R.C.O.P.No.1427 of 2012 on 02.09.2013.

For Petitioner : Mr.K.P.Gopalakrishnan
for Mr.M.Kamalakannan

For Respondents : Mr.K.Sudhan

ORDER

This revision arises against the judgment of learned VIII Judge, Small Causes Court, Chennai, passed in R.C.A.No.487 of 2013 on 20.11.2014.

2. First respondent/landlady (since deceased) filed R.C.O.P.No.1427 of 2012 on the file of learned XV Judge, Small Causes Court, Chennai, seeking eviction. On the death of first respondent, respondent 2 to 4 - legal heirs, have been brought on record. First respondent moved M.P.No.771 of 2012 u/s.11(4) of Tamil Nadu Buildings (Lease and Rent Control) Act, claiming arrears of rent for June 2012 to October 2012. Such application was allowed under order dated 02.09.2013 and the petitioner/tenant was directed to pay a sum of Rs.8,000/- towards arrears of rent for August and October 2012, on or before 20.09.2013. There against, petitioner/tenant moved R.C.A.No.487 of 2013 on the file of learned VIII Judge, Small Causes Court, Chennai. First respondent

moved M.P.No.111 of 2014 seeking a direction to petitioner/tenant to pay the admitted rental arrears of Rs.32,000/-. Upon receiving a sum of Rs.8,000/- by way of a Money Order towards arrears of rent for June and July 2013, first respondent filed a memo informing such position as also enclosed the money order receipt dated 13.06.2014. First respondent has informed that a sum of Rs.40,000/- towards arrears of rent for August 2013 to May 2014 has also been paid by way of money order and the same was received by her on 14.11.2014. First respondent has further informed that rent for June 2014 to October 2014 was due. Subsequent to recording of the memo, under judgment in R.C.A.No.487 of 2013 dated 20.11.2014, the Appellate Authority, has dismissed the appeal directing both parties to appear before the trial Court on 03.12.2014 and directed the trial Court to conclude the trial within a period of four months. Against such judgment, the present revision has been filed.

3. Heard learned counsel for petitioner and learned counsel for respondents.

4. R.C.A.No.487 of 2013 on the file of learned VIII Judge, Small Causes Court, Chennai, has been preferred against an order passed u/s.11(4) of Tamil

Nadu Buildings (Lease & Rent Control) Act, 1960, in M.P.No.771 of 2012. This Court fails to see what harm has been caused to the revision petitioner/respondent/tenant by the Court below/appellate authority in dismissing R.C.A.No.487 of 2013 and requiring both parties to appear before the trial Court on a particular date and directing such Court to conclude the trial within a period of four months. Section 11(4) of Tamil Nadu Buildings (Lease and Rent Control) Act, provides for eviction of a tenant summarily and by the order under challenge such remedy stands denied to first respondent. Despite such obvious position, a revision stands preferred and the intent thereof viz., to squat on another's property stands fulfilled by awaiting the disposal of the revision till today. The revision has been first filed before this Court on 19.02.2015. An application to condone delay of 53 days in preferring the same has been disposed of in M.P.No.2 of 2015 in C.R.P.(NPD) No.SR13979 of 2015 on 29.07.2016. Therein, the following observation stands made:

“6. The learned counsel for the respondents submitted that the Civil Revision Petition has become infructuous for the reason that the order passed by the Rent Control Appellate Authority was acted upon. Hence, nothing survives for adjudication the Civil Revision Petition.”

Despite the same, elaborate arguments are addressed. On enquiry, this Court finds that R.C.O.P.No.1427 of 2012 on the file of learned XV Judge, Small Causes Court, Chennai, has been disposed on 24.04.2015 and eviction has been ordered. Deceit is a device easily used and irrespective of age.

The Criminal Revision shall stand dismissed. Connected miscellaneous petition is closed.

17.08.2016

Index:yes/no
Internet:yes
gm

To

- 1.The VIII Judge,
Court of Small Causes,
Chennai.
- 2.The XV Judge,
Court of Small Causes,
Chennai.

C.T.SELVAM, J

gm

Civil Revision Petition (PD) No.2439 of 2016

17.08.2016