

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.12.2016

Coram

The Honourable MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.No.831 of 2016

and

C.M.P.No.4620 of 2016

Dhandapani

... Petitioner

vs.

Muthukrishnan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 19.11.2015 passed by the learned Principal Subordinate Judge, Pondicherry in CMA No.12 of 2013 confirming the fair and decreetal order dated 21.09.2012 passed in I.A.No.1413 of 2012 in O.S.No.723 of 2012 by the learned Principal District Munsif, Puducherry.

For Petitioner : Mr.G.S.Dhanalakshmi

For respondent : Mr.C.A.Theagarajan

ORDER

The plaintiff is the revision petitioner. The revision petition is directed against the order passed by the Courts below in refusing to grant interim injunction, in a suit filed by the revision

petitioner/plaintiff/tenant seeking permanent injunction restraining the defendant from interfering with his peaceful possession, except by due process of law.

2. The brief facts of the case is as follows:

(i) Admittedly, the revision petitioner/plaintiff, who is a tenant under the respondent/defendant, is in possession of the suit property on a monthly rental basis. It is stated that he is paying the rent regularly, but the receipt is issued by the respondent only once in two or three months. As the respondent/defendant/landlord required the premises for his own use and occupation, the lease period was terminated. However, it is alleged by the petitioner that the respondent had asked for enhancement of rent and thereby he is trying to disturb the petitioner's peaceful possession. Therefore, fearing eviction, the suit has been filed by the revision petitioner for injunction.

(ii) Pending suit, I.A.No.1413 of 2012 in O.S.No.723 of 2012 was also filed seeking interim injunction. It is alleged in the interim application that on 15.05.2012, the respondent/defendant had come with large number of people and tried to dispossess the petitioner. However, the learned Principal District Munsif, Pondicherry had

dismissed the application holding that the petitioner failed to prove with documentary evidence that such alleged incident had occurred.

(iii) Aggrieved by the said order of dismissal, the petitioner/plaintiff preferred an appeal before the learned Principal Subordinate Judge, Pondicherry in CMA No.12 of 2013. The learned Appellate Judge having found that the petitioner has been in possession of the property after the termination of the lease period and that too without payment of rent and electricity charges had held that the possession of the petitioner, as a tenant, is only that of a trespasser. It is also held by the learned Appellate Judge that no such incident, as alleged by the petitioner that the respondent is trying to dispossess the petitioner forcefully, had happened. Accordingly, confirmed the order of the learned trial Judge and dismissed the appeal.

(iv) Challenging the same, the revision is filed.

3. Heard both sides.

4. Admittedly, the revision petitioner, being a tenant, is squatting in the property beyond the period of lease. It is also seen

from the records that the suit has been filed by him in the year 2012 and successfully, the petitioner has dragged on the proceedings for a period of more than four years. Once the lease period is over, the possession of the petitioner in the suit property is only as that of a trespasser. Further as he is also not paying the rent and electricity charges, the petitioner cannot have any indulgence from this Court much less for the relief of granting interim injunction.

5. Considering the aforesaid facts and circumstances, this Court is of the view that the orders passed by the Courts below do not suffer from any infirmity so as to interfere in this revision. Accordingly, this Civil Revision Petition fails and the same is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

19.12.2016

vj2

Index: Yes/No

Internet: yes

To

1. The Principal Subordinate Judge, Pondicherry

2. The Principal District Munsif, Puducherry.

3.

PUSHPA SATHYANARAYANA.J

vj2

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