



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 28.06.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD)No.1167 of 2016

and

C.M.P. (MD)No.5719 of 2016

Saraswathiyammal

.. Petitioner/Appellant/
Respondent-Tenant

vs.

V.Karuppaiah

.. Respondent/Respondent/
Petitioner-landlord

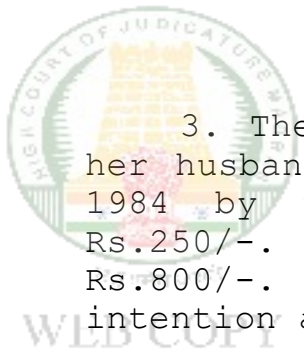
Prayer: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act against the fair and decreetal order, dated 10.09.2015 passed in R.C.A.No.67 of 2014 on the file of the Principal Sub Court, Madurai, confirming the fair and decreetal order, dated 11.07.2014 passed in R.C.O.P.No.166 of 2006 on the file of the Rent Controller (Principal District Munsif), Madurai.

For Petitioner	: Mr.C.Sundaravadivel
For Respondent	: Mr.S.Natesh Raaja

ORDER

This revision arises out of the order passed by the Rent Control Appellate Authority (Principal Sub Court), Madurai in R.C.A.No.67 of 2014, confirming the order passed by the Rent Controller (Principal District Munsif), Madurai in R.C.O.P.No.166 of 2006.

2. The respondent as landlord initiated eviction proceedings against the petitioner under Section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, contending that he purchased the petition mentioned property through a registered sale deed, dated 10.03.2006 for the purpose of constructing multi-storied building for expanding the existing hotel business. The petition mentioned property requires for immediate demolition and reconstruction, he has applied for necessary plan for the construction of multi-stories building to augment more rental income.



3. The tenant resisted the eviction petition contending that her husband Duraisamy Nadar was inducted as a tenant in the year 1984 by the landlord-C.T.S.Lakshmanan on a monthly rent of Rs.250/-. Subsequently, the rent was gradually increased to Rs.800/-. The eviction petition was filed with a malafide intention and the requirement is not *bona fide* one.

4. Before the Rent Controller, the landlord examined himself as P.W.1 and one T.R.Vanniyarajan was examined as P.W.2 and produced Exs.P.1 to P.7 and Exs.C.1 to C3 to substantiate his case. However, on the side of the tenant no witness was examined and no document was marked.

5. The Rent Controller relying upon the oral and documentary evidence of the landlord held that the requirement is *bona fide* and ordered eviction. The Appellate Authority independently considered the evidence and confirmed the order of the Rent Controller.

6. Since concurrent findings have been made based on evidence, I do not find any irregularity or perversity in the Judgments of the Courts below.

7. In the result, the Civil Revision Petition fails and the same is dismissed.

8. The tenant has filed an affidavit, dated 23.06.2016, undertaking to vacate and hand-over possession of the petition mentioned premises to the landlord within a period of six months.

9. The landlord filed an affidavit, dated 28.06.2016 stating that he is ready to waive the fair rent fixed in R.C.O.P.No.168 of 2006 and it is further stated that the tenant has not paid the contractual rent of Rs.1,000/- from the month of July 2014 to May 2016, amounting to Rs.23,000/-.

10. Considering the affidavits filed by the landlord and the tenant, this Court directs the tenant to pay the arrears of rent within a period of four weeks from today and continue to pay the monthly rent regularly. In case of default, the landlord is at liberty to proceed against the tenant. Further, the tenant is directed to hand-over possession of the petition mentioned premises to the landlord on or before 31.12.2016 as per the undertaking. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar

/True copy/



To

1.The Rent Control Appellate Authority
(Principal Sub Court), Madurai.

2.The Rent Controller
(Principal District Munsif), Madurai

+1 cc to M/s.C.Sundaravadivel, Advocate in SR.No.34374/16

ps

CSL/AAL-MPA/SAR-I/15.07.2016 :3P/4C

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