



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) .No.1561 of 2016
and
C.M.P. (MD) No.7588 of 2016

P.ARUN KANNAN

.. PETITIONER/RESPONDENT/
PETITIONER/TENANT

Vs.

R.MUTHUCHAMY

.. RESPONDENT/PETITIONER/
RESPONDENT/LANDLORD

Prayer: Petition is filed under Section 25 of Tamil Nadu Building (Lease and Rent Control) Act, 1960, to call for the records and set aside the fair and executable order dated 28.07.2016 passed in R.C.A.No.2 of 2015 on the file of the learned Subordinate Judge cum Rent Control Appellate Authority, Theni against the fair and decreetal order dated 13.11.2014 R.C.O.P.No.10 of 2013 on the file of the learned District Munsif cum Rent Controller, Theni as illegal and thus allow this Civil Revision Petition.

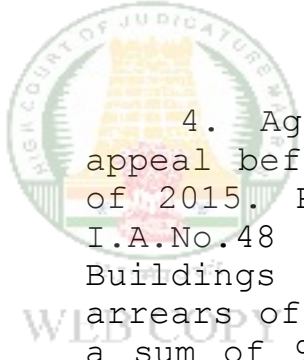
For Petitioner : Mr.A.Prasanna Rajadurai

ORDER

This Revision is directed against the order passed by the learned Rent Control Appellate Authority(Subordinate Court), Theni in R.C.A.No.2 of 2015, dated 28.07.2016.

2. Head Mr.A.Prasanna Rajadurai, learned counsel for the petitioner and perused the records.

3. The respondent, as landlord initiated the eviction proceedings against the petitioner in R.C.O.P.No.10 of 2013 on the grounds of willful default and for demolition and reconstruction. It is the case of the respondent that the petitioner has not paid the rent from the month of May 2011 and till the eviction petition was filed in the 2013, the tenant failed to pay the rental arrears of Rs.62,000/-. After contest, the learned Rent Controller allowed the eviction petition.



4. Aggrieved over the order, the petitioner preferred an appeal before the Rent Control Appellate Authority in R.C.A. No.2 of 2015. Pending appeal, the respondent filed an application in I.A.No.48 of 2015 under Section 11(3) and (4) of Tamil Nadu Buildings (Lease and Rent Control) Act, for direction to pay the arrears of rent from the month of May 2011 to March 2015, totally a sum of 94,000/-. The learned Rent Controller by an order dated 02.02.2016, directed the petitioner to deposit Rs.94,000/- on or before 01.04.2016.

5. The petitioner challenged the order before this Court in C.R.P.(MD)No.729 of 2016. This Court, while granting interim stay on 31.03.2016 directed the petitioner to pay the entire arrears within a period of four weeks from the date of receipt of a copy of this order. The petitioner received the order copy on 11.04.2016, but failed to comply with the order. Hence, the learned Rent Control Appellate Authority closed the petition for non-compliance of the condition and further proceedings in the appeal was stopped. Challenging the order, the present Revision is filed.

6. It is seen from the records that the eviction petition itself was filed on the ground of willful default and even during the pendency of the eviction petition, the tenant has not paid the rent regularly. Indisputably, the petitioner has not also complied with the condition passed in I.A.No.48 of 2015. In such circumstances, the learned Rent Controller has rightly stopped the proceedings.

7. In such view of the matter, I do not find any illegality or perversity in the order impugned in this Revision. In fine, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Court cum Rent Control Appellate Authority, Theni.
2. The District Munsif Court cum Rent Controller, Theni

+1 CC to Mr.A.PRASANA RAJADURAI, Advocate, SR No.43030

C.R.P. (MD) .No.1561 of 2016 and

C.M.P. (MD)No.7588 of 2016

09.08.2016