

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.168 of 2017
and
C.M.P.No.678 of 2017

J.Jayasingh

.. Petitioner

Vs.

Nargesh K.Parakh

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 07.10.2016 made in M.P.No.173 of 2016 in R.C.O.P.No.307 of 2016 on the file of the XIV Judge, Small Causes Court, Chennai.

For petitioner : Mr.P.Chandrasekar

ORDER

The tenant has filed this frivolous revision petition challenging the order passed in his frivolous application to reject the R.C.O.P. on the ground that the respondent-landlord has suppressed the security deposit of Rs.6 lakhs paid by the tenant/revision petitioner. The main R.C.O.P. is filed on two grounds under Section 10(2)(i) and Section 10(3)(a)(i) of the Tamil Nadu Buildings (Lease and Rent Control) Act. The jural relationship of the landlord and the tenant is admitted. There is no dispute with respect to the monthly rent payable by the tenant. Learned counsel for the petitioner endeavours to state that if the landlord is possessed of a sum more than

what he is legally entitled to hold, it may be adjusted towards the arrears of rent, if any. If that is done, the question of default will not arise in this case. However, the landlord has suppressed the fact that he had received Rs.6 lakhs as security deposit from the tenant. Hence, the tenant sought for rejection of the R.C.O.P. Even presuming for a moment that the argument of the petitioner is to be accepted, the R.C.O.P. cannot be rejected, as it is filed on the ground of owner's occupation also, which has to be tried independently. Therefore, the prayer of the revision petitioner-tenant cannot be entertained and the petition was rightly dismissed by the learned Rent Controller, which does not warrant any interference by this Court. The Civil Revision Petition is accordingly dismissed. No costs. C.M.P. is closed.

19.01.2017

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Copy to

The XIV Judge,
Small Causes Court,
Chennai.

PUSHPA SATHYANARAYANA, J

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