

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM

THE HON'BLE Ms.JUSTICE V.M.VELUMANI

C.R.P.(PD) Nos.1886 of 2017
and CMP.No.9071 of 2017

Anandraj

...Petitioner

Vs

Ashok Kumar

...Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 16.02.2017 passed in I.A.No.48 of 2016 in RCOP.No.5 of 2014 by the learned Rent Controller (District Munsif), Nagapattinam, by allowing this Civil Revision Petition.

For Petitioner : Mr. A.S.Baalaji

ORDER

सत्यमेव जयते

The civil revision petition has been filed praying to set aside the fair and decretal order dated 16.02.2017 passed in I.A.No.48 of 2016 in RCOP.No.5 of 2014 by the learned Rent Controller (District Munsif), Nagapattinam.

2. The petitioner is the tenant and the respondent is the landlord in the petition in RCOP.No.5 of 2014 on the file of the Rent Controller (District Munsif) at Nagapattinam. The respondent-landlord filed the

original petition for eviction of the petitioner, on the ground of willful default and for owner's occupation.

3. The petitioner filed counter and denied the averments stated by the respondent in the original petition. According to the petitioner, the respondent had disconnected the electricity connection, in order to evict him from the said premises. Further, the respondent also gave a false complaint against the petitioner before the Nagapattinam Police Station. Therefore, the petitioner had filed an application in I.A.No.48 of 2016 under Section 17 (2) & (3) of the Tamil Nadu Buildings (Lease and Rent Control) Act to restore the electricity connection in the petition premises.

4. The respondent filed counter on 29.11.2016. According to the respondent, the portion that was rented to the petitioner is only a very small portion on the Southern side of the petition-premises which measures only 6'x12', and no separate portion was allotted to the petitioner for rent. There was also no separate electricity connection in the said portion. In the said circumstances, when there was no separate electricity connection to the said portion, the petitioner alleging that the respondent has disconnected electricity connection in the petitioner's portion has no merit. Therefore, the application in I.A.No48 of 2016 filed by the petitioner seeking restoration of said electricity connection, may be dismissed. It is also contended by the respondent that since he

received threats from the petitioner, as a precaution, he had lodged the complaint before the police against the petitioner .

5. The learned Judge considering the rival contentions, dismissed the application in I.A.No.48 of 2016 vide order dated 16.02.2017, holding that the petitioner failed to prove that there was separate electricity connection in the petition-premises, and also no material to prove his contention that the connection was disconnected by the respondent.

6. Against the said order of dismissal, the petitioner has filed the present civil revision petition.

7. Heard the learned counsel appearing for the petitioner and perused the materials on record.

8. From the materials available on record and a perusal of the impugned order shows that the petitioner failed to prove that there was electricity connection in the petition-premises and the same was disconnected by the respondent. The petitioner has not produced any receipt for payment of electricity charges and has also not produced the electricity service connection number of the petition-premises. In view of the failure on the part of the petitioner to produce relevant details required to prove his claim, the learned Judge has dismissed the

application by exercising the power conferred on him. There is no error or irregularity in the order of the trial Judge warranting interference by this Court.

9. In the result, the civil revision petition is devoid of merits and hence, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.06.2017

ds

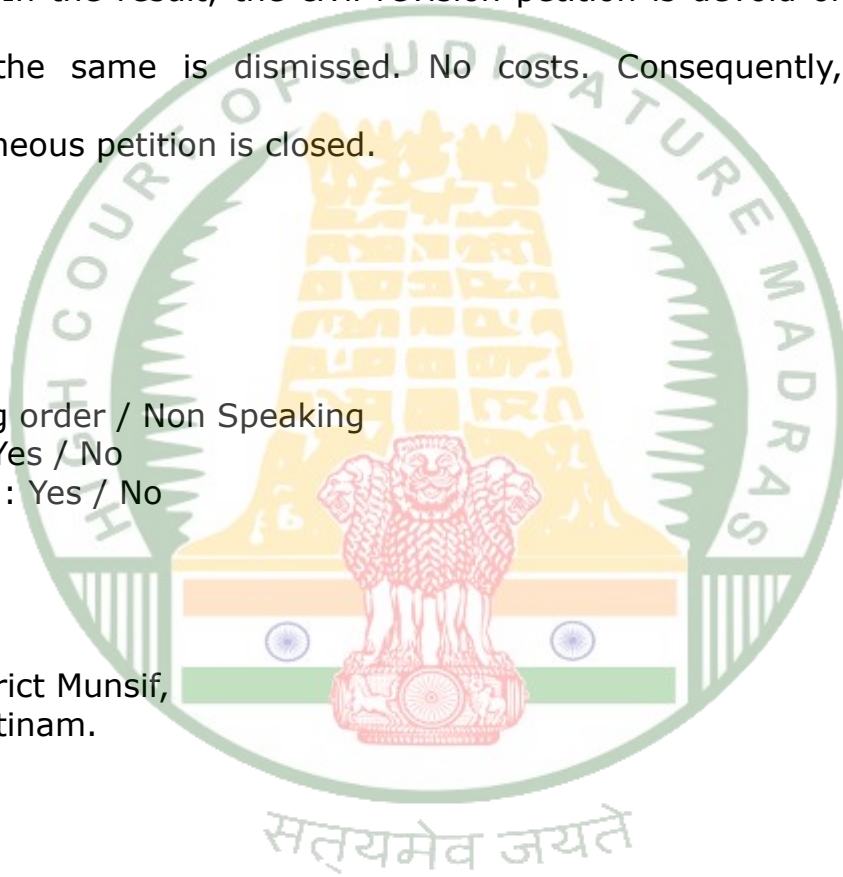
Speaking order / Non Speaking

Index : Yes / No

Internet : Yes / No

To:

The District Munsif,
Nagapattinam.



WEB COPY

V.M.VELUMANI,J

ds



C.R.P.(PD) Nos.1886 of 2017

WEB COPY

15.06.2017