

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.1989 to 1991 of 2017
& C.M.P.No.9603 of 2017

S.Gnanam

.. Petitioner in all the
CRPs.

Vs.

M.J.Manavalan

.. Respondent in all
the CRPs.

Prayer in all CRPs: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decretal order dated 27.03.2017, made in M.P.Nos.33 to 35 of 2017 in R.C.O.P.No.8 of 2012 on the file of the District Munsif Court -Cum- Rent Controller, Ambattur.

For petitioner : Ms.M.Aarthi
for M/s.N.Raja Senthoo Pandian

For respondent : Mr.S.Balamurugan

COMMON ORDER

Civil Revision Petitions are filed against the fair and decretal order dated 27.03.2017, made in M.P.Nos.33 to 35 of 2017 in

R.C.O.P.No.8 of 2012 on the file of the District Munsif Court -Cum-
Rent Controller, Ambattur.

2. Issues in all the three civil revision petitions are interlinked and therefore, they are disposed of by this common order.

3. The petitioner, who is the tenant, is the respondent and respondent, who is the landlord, is the petitioner in R.C.O.P.No.8 of 2012 on the file of the District Munsif Court (Rent Controller), Ambattur. The respondent filed the said R.C.O.P for eviction of the petitioner on the ground of owner's occupation. The petitioner filed counter statement and is contesting the R.C.O.P. In R.C.O.P, the evidence were let in on behalf of the parties and both the petitioner and respondent closed their side evidence. The arguments on behalf of the respondent were advanced and when the R.C.O.P was posted for arguments on behalf of the petitioner's side, the petitioner filed three petitions in M.P.Nos.33, 34 and 35 of 2017 to reopen the case, recall RW2 and for a direction to RW2 to produce the electricity card of petition mentioned property.

4. According to the petitioner, the contention of the respondent that he requires the petition premises for owner's occupation is not bonafide. The respondent owns number of properties around the petition premises and leased out one property to one S.Mahesh Kumar/RW2. The respondent denied the said lease, but petitioner summoned S.Mahesh Kumar/RW2. RW2 deposed that he is carrying on business under the name and style of M/s.Mahesh Cars at Mugappair. He refused to produce electricity card, which would show that respondent is the owner of the property of the said premises. To prove his case, the petitioner has filed the petitions.

5. The respondent filed counter affidavit opposing the said petitions on the ground that in the R.C.O.P., evidence was closed in the month of August, 2016 and R.C.O.P was posted for arguments of the petitioner. The petitioner has taken number of adjournments and filed these petitions after five months only to delay the proceedings. The respondent requires the petition premises for owner's occupation and the requirement of the respondent is

bonafide.

6. The learned Judge considering the fact that the petitioner is filing number of applications one after another and the present petitions are filed after taking adjournments from 19.08.2016 for arguments, dismissed all the three petitions.

7. Against the order of dismissal dated 27.03.2017 made in M.P.Nos.33 to 35 of 2017 in R.C.O.P.No.8 of 2012, the present civil revision petitions have been filed by the petitioner.

8. Heard both the learned counsel for the petitioner and respondent and perused the materials on record.

9. From the materials on record, it is seen that the respondent filed R.C.O.P for evicting the petitioner on the ground of owner's occupation. It is for the respondent to prove that his requirement is bonafide and not malafide. It is well settled that it is for the landlord to choose which building will be more suitable for his requirement and it is not for the tenant to dictate terms to the landlord to choose

any one of the buildings belonging to the landlord. In the present case, RW2, whom the petitioner claimed to be the tenant of the respondent, has deposed. After the evidence of RW2, evidence on behalf of the petitioner was closed. R.C.O.P was posted for arguments from 19.08.2016. The petitioner took number of adjournments and filed these petitions in January 2017.

10. The learned Judge considering all the above facts, dismissed all the petitions. In the circumstances, I hold that there is no irregularity or illegality in the order passed by the learned Judge dated 27.03.2017 warranting interference by this Court.

11. In the result, these Civil Revision Petitions are dismissed. The R.C.O.P is pending from the year 2012. Taking note of the fact that evidence was closed and R.C.O.P is posted for arguments, the learned Judge/Rent Controller is directed to dispose R.C.O.P.No.8 of 2012 as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order. No costs. Consequently, connected civil miscellaneous petition is closed.

30.06.2017

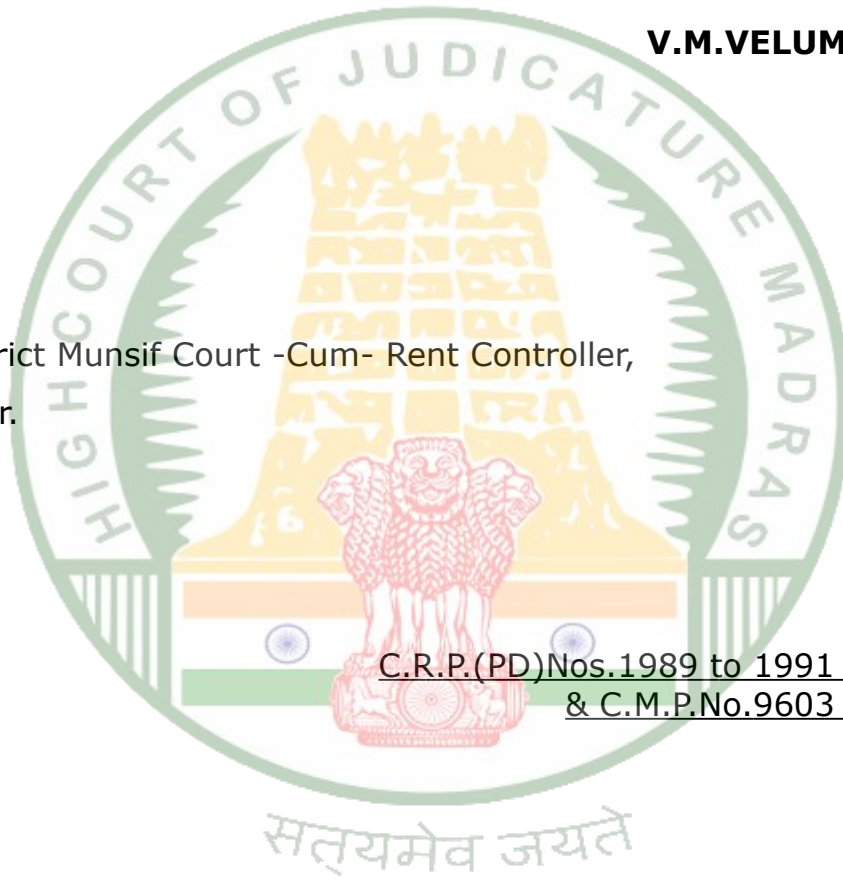
Index : Yes/No
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V.M.VELUMANI, J.

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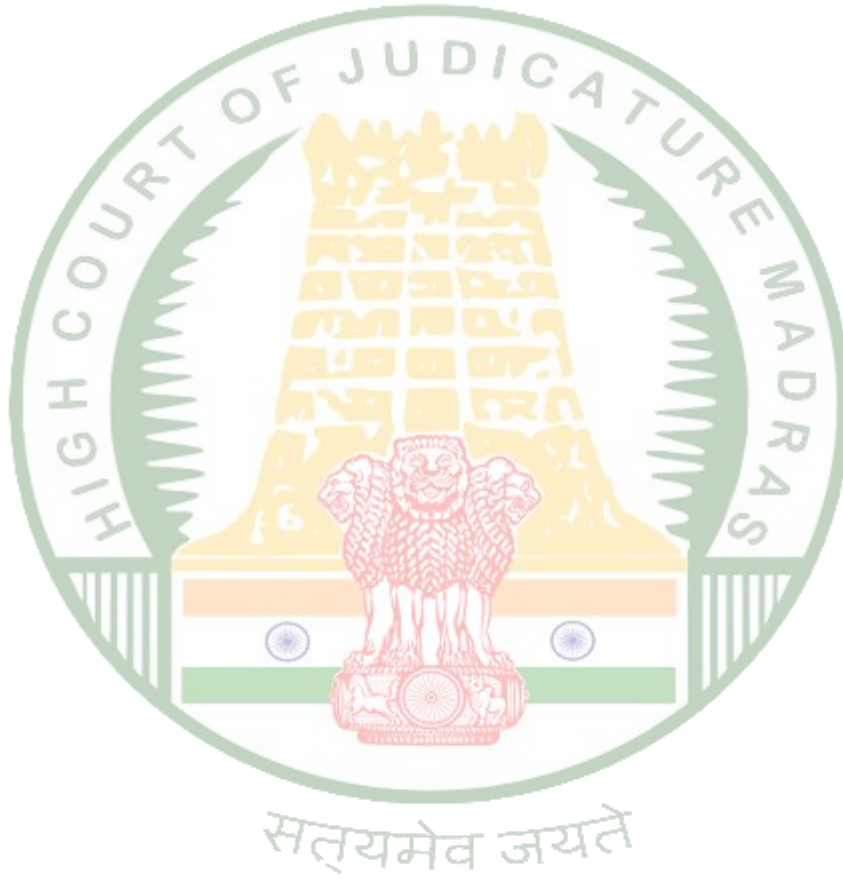
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