

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 20-09-2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.NPD.Nos.3007 and 3008 OF 2017

M.Vijayaragunathan,
rep.by his Power Agent
M.Palaniappan

...

Petitioner in both petitions

-vs-

1.C.M.Veena
2.C.Thery Babu

...

Respondents in both petitions

C.R.P.NPD.No.3007 of 2017 is filed against the order, dated 21.07.2017,
passed in R.C.A.No.79 of 2017 on the file of IX Judge, Small Causes Court, Chennai.

C.R.P.NPD.No.3008 of 2017 is filed against the order, dated 21.07.2017,
passed in R.C.A.No.80 of 2017 on the file of IX Judge, Small Causes Court, Chennai.

For petitioner : Mr.R.Manickavel

For respondents : Mr.S.D.Venkateswaran,
for Mr.A.R.Palanisamy.

ORDER

These Civil Revision Petitions are directed against the common order passed by the Rent Control Appellate Authority, condoning the delay of 61 days in filing the petitions to set aside the exparte orders.

2. Landlord is the petitioner. His case is that the respondents/tenants, even after entering into specific agreement that they will pay the entire arrears and vacate the premises on or before 31.05.2015, they failed to do so, which resulted in his filing the rent control original petitions, on the ground of wilful default.

3. Learned counsel for the petitioner would submit that during the pendency of the eviction petitions, the tenants have defaulted in payment of rentals and, therefore, the petitioner has filed the petition under Section 11 (4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, in which the first respondent/tenant remained ex parte and, thereafter, she filed petitions to condone the delay in filing the petitions to set aside ex parte orders.

4. While that be so, the Rent Controller dismissed the abovesaid petitions, whereas, on appeal, the said petitions were allowed and the delay was condoned, with a

direction to the Rent Controller to dispose of the rent control original petitions within a period of two months.

5. Sri S.D.Venkateswaran, learned counsel for the respondents/tenants, would submit that the tenants have already paid rentals to the mother of the petitioner/landlord and the same is supported by documentary evidence, which is marked before the Rent Controller. According to the learned counsel, if any further amount is directed to be paid towards rentals, it will amount to double payment.

6. This Court has considered the submissions made by the learned counsel for the respondents/tenants. This Court feels, when the rentals were paid to someone, other than the landlord, the same ought to have been made by way of cheques, which are substantive pieces of evidence, or through any other modes, with proof. In the absence of the same, it should be considered that the tenants are defaulters.

7. However, learned counsel for the respondents would submit that he would deposit 50% of the arrears of rent with the Rent Controller within a period of one month.

8. Considering the submissions made by the learned counsel for the parties and in order to meet the ends of justice, these Civil Revision Petitions are disposed of,

with a direction to the Rent Controller to dispose of the R.C.O.Ps., within a period of three months from the date of receipt of a copy of this order. In the event the tenants fail to deposit 50% of the arrears of rent as agreed above, the petitioner/landlord is at liberty to proceed with the execution proceedings. It is further made clear that the respondents/tenants shall continue to pay the monthly rentals on or before 5th of every month. No costs. Consequently, the connected C.M.P.Nos.14128 and 14129 of 2017 are closed.

Index : Yes/No
Internet : Yes/No
dixit

20-09-2017

To

1. IX Judge,
Small Causes Court,
Chennai.

2.XIV Judge,
Small Causes Court,
Chennai.

M.GOVINDARAJ,J.

dixit

C.R.P.NPD.Nos.3007 & 3008 OF 2017

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