

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) NO.3321 OF 2017
AND CMP NO.15493 OF 2017

M.P.Abdul Khader

... Petitioner

Vs.

K.Premavathi

... Respondent

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Building (Lease and Rent Control) Act against the judgment and decree dated 02.08.2017 in RCA SR.No.41180 of 2017 on the file of VII Judge, Small Causes Court, Madras, confirming the order and decretal order dated 19.07.2017 in M.P.No.27 of 2017 in RCOP No.1290 of 2010 on the file of XVI Judge, Small Causes Court, Madras.

For Petitioner : Mr.G.V.Sridharan

WEB COPY
ORDER

This Civil Revision Petition is directed against the order dated 02.08.2017 passed in RCA SR No.41180 of 2017.

2. The petitioner / tenant in his counter affidavit had admitted that he was inducted as a tenant by the respondent and paid rentals to her. In the present petition, it is stated that at a later stage, he came to know that Tamil Nadu Slum Clearance Board is the owner of the property and filed the present petitions.

3. It is well settled that even a tenant can be construed as a landlord in view of Section 2(6) of the Act. Once it is unambiguously admitted that the petitioner was inducted by the respondent, he cannot go back and take a stand that he is not liable to pay rentals. In other words, the petitioner is estopped from denying the title of the respondent. In fact, the eviction petition has been filed on the grounds of willful default. The issue to be decided is as to whether the petitioner has committed willful default or not. In the event that the jural relationship is proved by pleadings and evidence, the main issue can be decided. The presence of the Chairman, Tamil Nadu Slum Clearance Board will not assist the petitioner in any way in disproving the wilful default, more so, the tenancy was admitted.

4. The Courts below have rightly applied on the judgments of the Hon'ble Supreme Court in **CHINNARAJA NAIDU VS. BHAVANI BHAI** [1981 (2) MLJ 354] and **CENTRAL BANK OF INDIA VS. GOKUL CHAND** [1967 (2) SC 828] and a judgment of this Court in **RAJENDRAN VS. AKKAMMAL** [2015 (14) CTC 696] and arrived at the decision. I do not find any infirmity in the orders passed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

11.09.2017

(1/2)

Index : Yes/No
Internet : Yes/No
TK

To

1.The VII Judge
Small Causes Court
Madras.

2.The XVI Judge
Small Causes Court
Madras.

WEB COPY

M.GOVINDARAJ, J.

TK



C.R.P.(PD) NO.3321 OF 2017

WEB COPY

11.09.2017

(1/2)