

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.No.1092 of 2011

and

C.M.P. No.1 of 2011

Mr.Marimuthu

.... Petitioner/Tenant

Vs

Mrs.Saavithri

... Respondent/Landlord

rep by Pouree Agent Sundaravadivelu

Prayer: The Civil Revision Petition is filed section of the Tamil Nadu Buildings Lease and Rent Control Act XVIII 1960 as amended by Rules 1974, and Act 1/1980, against the Decreetal order of the Rent Control Appellate Tribunal (Sub Court), Nagapattinam, dated 21.10.2010 in RCA.No.2/2010 confirming the Fair and decreetal order of Rent Controller (District Munsif Court), Nagapattinam, dated 23.12.2009 in RCOP.No. 5/2009.

For Petitioner : Mr.S.Sounthar

For Respondents : Ms.R.T.Shyamala

O R D E R

This Civil Revision Petition is directed against the judgment dated 21.10.2010 in RCA.No.2 of 2010 confirming the eviction order passed by the Rent Controller in RCOP No.5 of 2009.

2.The respondent filed a petition for eviction in RCOP.No.5 of 2009 before the Rent Controller, Nagapattinam, to evict the petitioner on the ground of demolition and reconstruction. The eviction petition was allowed by the Trial Court notwithstanding the objection raised by the petitioner. The order was upheld by the First Appellate Court in RCA.No.2 of 2010. Feeling aggrieved, the unsuccessful tenant is before this court.

3.The learned counsel for the petitioner contended that there were no pleadings in the original petition that in case, the building is demolished and a new structure is built, it would give substantial income to the petitioner. According to the learned counsel when there are no pleadings in the petition,

the evidence let in by the respondent cannot be relied upon. The order is therefore bad in law.

4. The learned counsel for the respondent, by placing reliance on the evidence of R.W.1, contended that even the petitioner admitted that a portion of the building is in a dilapidated condition and as such the Rent Controller and the First Appellate Court were perfectly correct in allowing eviction.

5. The respondent instituted proceedings in RCOP.No.5 of 2009 on the ground that the condition of the building is such that it would fall at any time and as such, the building requires immediate demolition and reconstruction.

6. The Trial Court on the basis of the evidence let in by the parties, recorded its findings that the building requires demolition. The Trial Court further held that in case a new structure is constructed, it would benefit the landlord financially. The finding was upheld by the First Appellate Authority.

7. The proceedings in question is a summary proceedings. The Trial Court has to consider as to whether the landlord satisfied the ingredients of the provisions relating to demolition and reconstruction. The respondent has produced materials to indicate that the building is in dilapidated condition and the same requires demolition and reconstruction.

8. The courts below concurrently held in favour of the respondent and accordingly orders of eviction was passed. It is not for the revisional court to analyse the materials once again for the purpose of taking a different view. There is absolutely no merit in the contentions taken by the petitioner.

9. The Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

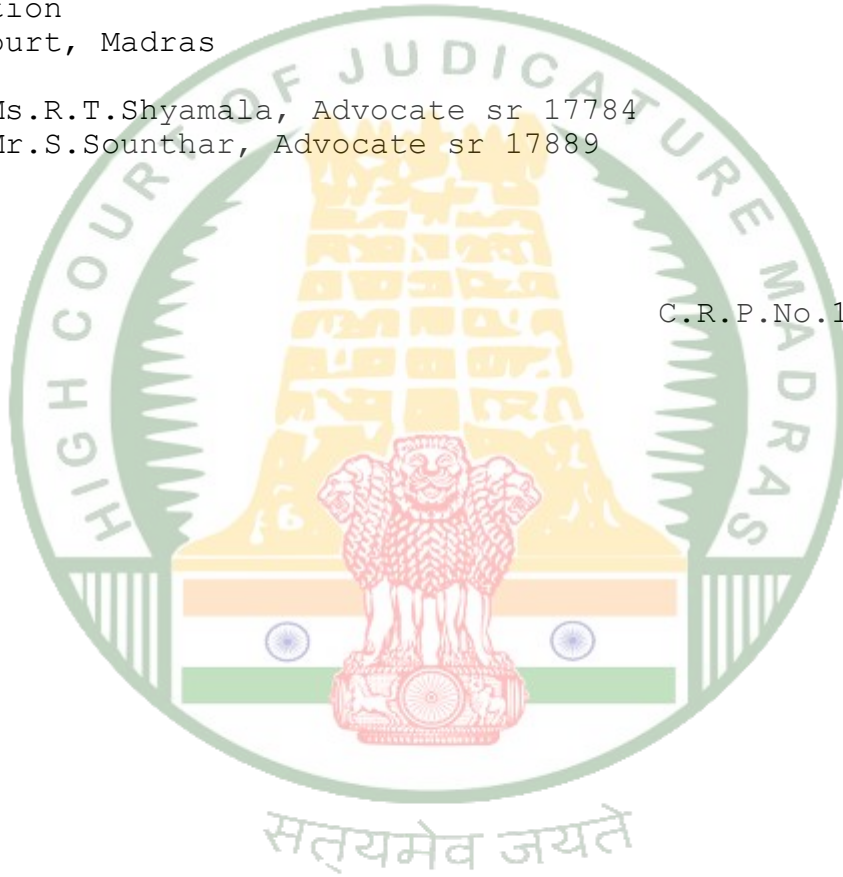
To

1. The Sub Judge
The Rent Control Appellate Tribunal,
Nagapattinam.
2. The District Munsif
The Rent Controller,
Nagapattinam.
3. The Section Officer
VR Section
High Court, Madras

+1 CC to Ms.R.T.Shyamala, Advocate sr 17784
+1 Cc to Mr.S.Sounthar, Advocate sr 17889

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KJI (CO)
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