

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(P.D).Nos.4300, 4301 and 4302 of 2014
and M.P.No.1 of 2014 (3 Mps)

P.Anandan

.. Petitioner in all C.R.Ps

-Vs.-

K.S.Anand

.. Respondents in all C.R.Ps

Prayer in C.R.P (P.D).No.4300 of 2014

Civil Revision Petition filed under Article 227 of the Constitution of India filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973 and Act 1 of 1980) challenging the order of the VIII Small Causes Court at Chennai, dated 09.09.2014 in R.C.A.No.17 of 2012 confirming the order passed by XII Small Causes Court, Chennai in R.C.O.P.No.2175 of 2008 dated 06.11.2013.

Prayer in C.R.P.(P.D).No.4301 of 2014

Civil Revision Petition filed under Article 227 of the Constitution of India filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973 and Act 1 of 1980)

challenging the order of the VIII Small Causes Court at Chennai, dated 09.09.2014 passed in M.P.No.164 of 2014 in R.C.A.No.17 of 2014.

Prayer in C.R.P.(P.D).No.4302 of 2014

Civil Revision Petition filed under Article 227 of the Constitution of India filed under Section 25 of the Tamil Nadu Buildings(Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973 and Act 1 of 1980) challenging the order of the VIII Small Causes Court at Chennai, dated 09.09.2014 passed in M.P.No.392 of 2014 in M.P.No.164 of 2014 in R.C.A.No.17 of 2014.

For petitioner	... Mr.P.Mohanraj
in all C.R.Ps	

For Respondents	
in all C.R.Ps	... Mr.V.Baskaran

C O M M O N O R D E R

The tenant is the petitioner in all three revision petitions. The revision petitions arise out of the Rent Control Proceedings in R.C.O.P.No.2175 of 2008, which was filed for eviction on the ground of willful default and the order of eviction was also passed in 2013. Thereafter, the tenant had filed R.C.A.No.17 of 2014 on the file of the VIII Small Causes Court at Chennai. Pending R.C.A., a conditional order

was passed on 11.08.2014 in M.P.No.164 of 2014 filed by the landlord under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent control) Act for depositing the arrears of rent. However, the conditional order was not complied with. Hence, the R.C.A proceedings were stopped, against which, C.R.P.(P.D).No.4300 of 2014 is filed. Thereafter, M.P.No.164 of 2014 was filed by the landlord for direction to the tenant to pay arrears of rent and the same was allowed, against which C.R.P(P.D) No.4301 of 2014 is filed. Subsequently, M.P.No.392 of 2014 was filed by the tenant seeking extension of time fixed for payment of rent in M.P.No.164 of 2014 by order dated 11.08.2014. The Rent Control Appellate Authority held that non compliance of the order would result in termination of the proceedings. As there was no sufficient reasons stated in the petition for non compliance of the conditional order, the learned Rent Control Appellate Authority has also dismissed the application for extension of time. Against which, C.R.P.(P.D).No.4302 of 2014 is filed. As the order passed under Section 11(4) of the said Act was not complied with pending the Rent Control Appeal, the main Rent Control proceedings in R.C.A.No.17 of 2014 was stopped consequentially in all the three M.Ps.

2. On a perusal of the records, it is seen that the original period of default of rent was from December 2007 to July 2008, which was proved by the landlord. Hence, the order of eviction was ordered. Even pending the appeal, the tenant had willfully defaulted in paying the rent from November 2012. Despite knowing consequences of non-payment of rent pending proceedings, the tenant had been supinely indifferent in paying the rent. Therefore, the Appellate Authority has rightly dismissed the petition for extension of time holding that non-compliance of the order would result in termination of proceedings, which is the mechanism under the statute and the tenant cannot have any indulgence in seeking the extension of time. The tenant cannot have any indulgence in seeking extension of time. and consequentially dismissed the R.C.A.

3. I do not find any infirmity in the order of the lower Court. Hence, R.C.A. proceedings stopped by the Rent Control Appellate Authority is correct and the order of eviction would stand.

4. In view of the above, all the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.01.2017

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To

The VIII Small Causes Court,
Chennai

PUSHPA SATHYANARAYANA.J

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