

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.Nos.529 to 531 of 2017
and C.M.P.Nos.2668 to 2670 of 2017

Thanthoni	.. Petitioner in C.R.P(P.D).No.529 of 2017
Gnanammal	.. Petitioner in C.R.P(P.D).No.530 of 2017
Pathipoorani	.. Petitioner in C.R.P(P.D).No.531 of 2017

-Vs.-

Geetha	.. Respondent in all C.R.Ps
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Prayer in C.R.P.(P.D).No.529 of 2017:

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order passed in M.P.No.192 of 2016 in R.C.A.No.227 of 2015 dated 16.12.2016 on the file of the learned IX Judge, Court of Small Causes, Madras.

Prayer in C.R.P.(P.D).No.530 of 2014:

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order passed in M.P.No.193 of 2016 in R.C.A.No.229 of 2015 dated 16.12.2016 on the file of the learned IX Judge, Court of Small Causes, Madras.

Prayer in C.R.P.(P.D).No.531 of 2014:

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order passed in M.P.No.194 of

2016 in R.C.A.No.231 of 2015 dated 16.12.2016 on the file of the learned IX Judge, Court of Small Causes, Madras.

For petitioner ... Mr.S.Sadasharam
in all C.R.Ps

For Respondents
in all C.R.Ps ... No Appearance

C O M M O N O R D E R

The revision petitions are directed against the orders passed in petitions under section 11(4) of the Tamil Nadu Buildings (Lease and Rent control) Act, directing the revision petitioners/tenants to pay the arrears of rent from June 2012 to December 2015 and continue to pay the future rent.

2. According to the respondent, who is the landlord, the rent payable by the tenants is Rs.1,800/- p.m. As there was default in payment of rents, R.C.O.P.Nos.2240, 2241 and 2242 of 2013 were filed on the ground of willful default in paying rent and denial of title. Pending R.C.O.Ps, M.P.Nos.56, 57 and 58 were filed under Section 11 (3) and (4) of the Act, directing the revision petitioners to pay the arrears of rent. Those applications were allowed. However, the petitioners did not comply with the said order and eviction orders were passed, against which, the revision petitioners preferred

appeals in R.C.A.No.227, 229 and 231 of 2015. Pending R.C.A, there was a conditional order passed by the Court below on 22.04.2015 directing the revision petitioners to deposit a sum of Rs.10,000/- (Rupees ten thousand only), which is complied with. Thereafter, no rent and arrears were deposited. Subsequently, M.Ps were filed to direct payment of arrears of rent from June 2012 to December 2015 and to continue to pay the future rent. These M.Ps were allowed, against which, the present revisions are filed.

3. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

4. The case of the tenant was that there was no jural relationship between the parties and the landlord is not entitled to claim any amount from the tenant in the absence of jural relationship. It is also further stated that C.S.No.734 of 2014 is filed claiming partition and separate possession of 3/5 share of the revision petitioners. The revision petitioners being co-owners of the petition property, they are not liable to pay the rent. On the above pleadings, the learned Rent Control Appellate Authority found that no document has been filed by the revision petitioners to establish their plea. The revision petitioners as tenants have not paid rent from the beginning.

5. When the revision petitioners denied the jural relationship, the burden is on them to establish the fact that they are occupying the premises on their own right. However, the petitioners have not stated as to in what capacity they are in occupation of the demised premises and have also not produced document to prove their ownership. But, they have defaulted in payment of rent. In such circumstances, the Appellate Authority has also confirmed the order of the Rent Controller, which does not warrant any interference by this Court. Hence, the order of the Rent Control Authority is confirmed, directing the revision petitioners to deposit the arrears of rent to the credit of R.C.O.Ps from June 2012 till today and continue to pay the periodical rent without fail. The learned counsel for the revision petitioners seeks four weeks time for such deposit.

7. With the above said observations, these Civil Revision Petitions are disposed of, with a direction to the revision petitioners to deposit the arrears of rent to the credit of R.C.O.Ps from June 2012 till day and continue to pay the periodical rent without fail within four weeks from the date of receipt of a copy of this order.. No costs. Consequently, connected miscellaneous petitions are closed.

20.02.2017

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To

The IX Judge,
Court of Small Causes,
Madras.

PUSHPA SATHYANARAYANA, J,

(srn)

C.R.P.P.D.Nos.529 to 531 of 2017
and C.M.P.Nos.2668 to 2670 of 2017

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