

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2017

CORAM

THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

C.R.P.(NPD)No.3557 of 2012
and
M.P.No.1 of 2012

Bhagyaraj

.. Petitioner

vs

1.G.Suresh Kumar
2.Nirmal Jain

.. Respondents

Prayer: Civil Revision Petition filed under Section 25 of Tamilnadu Building Lease and Rent Control Act 1960 as amended by Act 25/73 amended Act 1/1980, against the order of eviction passed in RCA.No.2 of 2011 dated 12.07.2012 on the file of the Rent Control Appellate Authority/Sub-ordinate Judge at Poonamallee confirming the order in RCOP.No.26 of 2007 dated 16.11.2010 on the file of the Rent Controller/District Munsif at Ambattur.

For Petitioner

: Mr.V.Manohar

For Respondents

: Mr.Ilanthiraiyan

for M/s.Sai Bharath & Ilan

ORDER

The petitioner herein is the respondent/tenant in RCOP.No.26 of 2007 on the file of the learned District Munsif at Ambatur, filed by the landlord/petitioner for eviction on the ground of willful default and nuisance and for own occupation. The said application came to be allowed with a direction to the petitioner to vacate the petition premises by granting two months time for eviction by holding that the revision petitioner committed an act of willful default.

2.As against the order of eviction, the petitioner herein as appellant filed Rent Control Appeal in RCA.No.2 of 2011 on the file of learned Sub- Judge/Rent Control Appellate Authority at Poonamallee and the same was dismissed by an Order and Decree dated 12.07.2012 upholding the Order of the Learned District Munsif cum Rent Controller, Ambatur. The said Appeal Order is under challenge in this civil revision petition.

3.I heard Mr.V.Manohar, learned counsel for the petitioner and Mr.Ilanthiraiyan for M/s.Sai Bharath & Ilan, learned counsel for the respondents and perused the entire materials available on record.

4. On careful perusal of the impugned order and the case records, it is seen that the petitioner herein was in default towards rent and such default is again willful.

5. It is further seen that nuisance attributed towards the petitioner stands proved by the respondent/landlord by adducing sufficient oral and documentary evidence.

6. It is further seen that the petitioner herein is running a business in one another location in a rented premise. In this context it is noticed that the respondent / landlord seek own occupation of the petition premise to carry out his business and he has also produced sufficient oral and documentary evidence in this regard. It is needless to say that once bonafide requirement of land lord is established, it is immaterial whether application is made under section 10(3)(a)(i) or 10(3)(a)(iii) as per the dictum laid down by this Court in the matter of Kalidas Vs. K.P.Subbaiah and another reported in 2013 (5) CTC 476.

7. Further, as far as civil revision petition filed under section 25 of the Tamilnadu Buildings (Lease and Rent Control) Act is concerned, this Court's scope is very very limited and this Court cannot re-

appraise the oral and documentary evidence of the parties, unless the lower Courts committed serious error in not considering the vital aspect of the records and evidence.

8. Therefore, I do not find any illegality and infirmity over the impugned order of eviction passed in RCA.No.2 of 2011 dated 12.07.2012 on the file of the learned Rent Control Appellate Authority/Subordinate Judge at Poonamalle, confirming the order made in RCOP.No.26 of 2007 dated 16.11.2010 on the file of the learned Rent Controller/District Munsif at Ambattur. Hence, this civil revision petition is liable to be dismissed, accordingly it is dismissed.

9. In the result:

(a) this civil revision petition is dismissed, by confirming the order passed in RCA.No.2 of 2011 dated 12.07.2012 on the file of the learned Rent Control Appellate Authority/Subordinate Judge at Poonamalle, confirming the order in RCOP.No.26 of 2007 dated 16.11.2010 on the file of the learned Rent Controller/District Munsif at Ambattur;

(b) time for eviction three months from the

date of receipt of a copy of this order. No costs.
Consequently, connected miscellaneous petition is
closed.

20.06.2017

Note: Issue order copy on 23.01.2019

vs

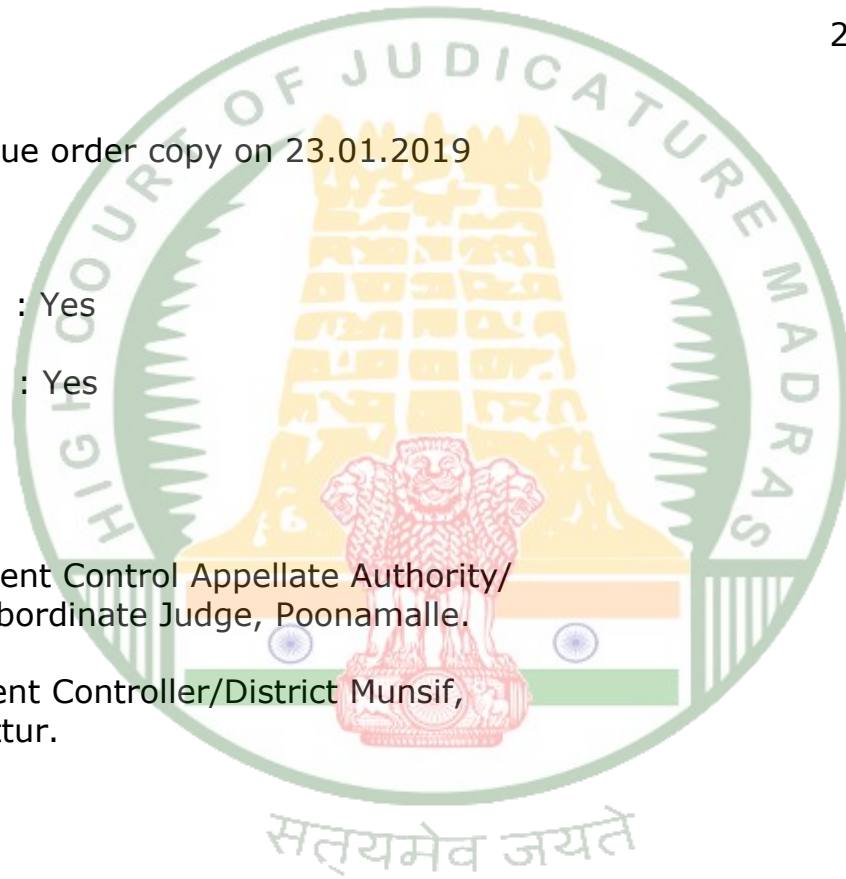
Index : Yes

Internet : Yes

To

1. The Rent Control Appellate Authority/
Subordinate Judge, Poonamalle.

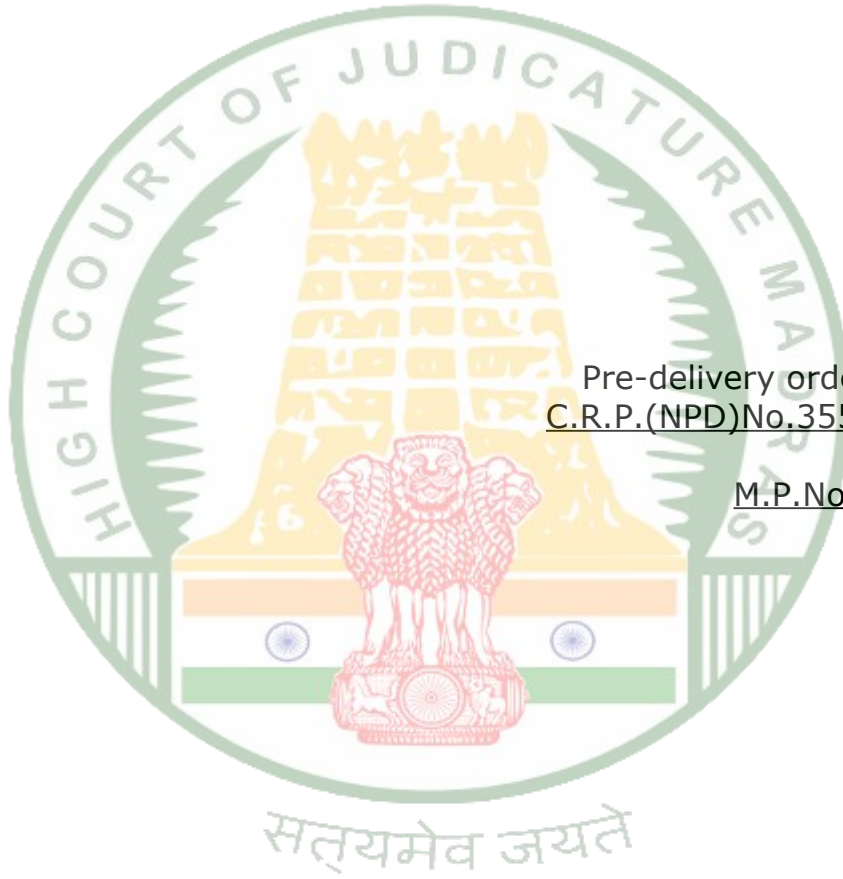
2. The Rent Controller/District Munsif,
Ambattur.



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M.V.MURALIDARAN, J.

VS



Pre-delivery order made in
C.R.P.(NPD)No.3557 of 2012
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M.P.No.1 of 2012

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