

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2017

CORAM

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

**CRP(PD)No.4065 of 2012
and
M.P.No.1 of 2012**

V.Balakrishnan .. Petitioner

Vs

V.Ganapathy .. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal orders passed in CMA.No.18 of 2010 dated 12.07.2012 on the file of the Court of Additional Sub-Ordinate Judge, Mayiladuthurai, confirming the fair and decreetal orders passed in I.A.No.353 of 2009 in O.S.No.356 of 2008 dated 18.10.2010 on the file of the Court of Additional District Munsif, Mayiladuthurai.

For Petitioner : Mr.A.Muthukumar

For Respondent : Mr.S.Sounthar

WEB COPY

ORDER

This Civil Revision Petition is filed against the Fair and Decreetal Order made by the Learned Subordinate Judge, Mayilladuthurai in C.M.A.No.18 of 2010 dated 12.07.2012, confirming the Fair and Decreetal order made in I.A.No.353 of 2009 in O.S.No.356 of 2008 dated 18.10.2010 on the file of the learned Additional District Munsif Court, Mayilladuthurai.

2.The revision petitioner herein is the defendant in the above suit in O.S.No.356 of 2008 filed by the Respondent/Plaintiff for recovery of possession and seeking for a direction to the revision petitioner to surrender possession of the suit property.

3.According to respondent/plaintiff, the revision petitioner's father Varadharaja Naidu was inducted as tenant in the year 1963 stipulating 3 years tenancy. However said Varadharaja Naidu failed to surrender possession of suit property by removing super structure put up by him. In the mean time revision petitioner's father died and revision petitioner has attempted to sublet the premises, hence the above suit.

4. In the said suit the respondent/Plaintiff filed an Interlocutory Application under Section 9 of Tamil Nadu City Tenants Protection Act seeking appointment of commissioner to fix the market value and find out exact extent of suit property and to direct sale of petition mentioned property to the revision petitioner. The said application was dismissed by the trial Court holding that the petitioner has no right to seek the said relief since he failed to renew tenancy and also failed to establish that he had contributed towards erection of superstructure. The said order was challenged in C.M.A.No.18 of 2010 before the Additional Sub-Court, Mayiladuthurai by the revision petitioner and the same was dismissed by confirming the Order of the Trial Court by an order dated 12.07.2012. The said order is under challenge in this Civil Revision Petition.

5. I heard Mr.A.Muthukumar, learned counsel for the petitioner and Mr.S.Sounthar, learned counsel for the respondent and perused the entire materials available on record.

WEB COPY

6. On the perusal of the impugned order and available records, it is seen that there is no evidence or admission as to establish that there was rental agreement between the revision petitioner and the

landlord and that there was enhanced payment of rent by the petitioner.

7.The petitioner has also deposed that there was no any step taken by him to renew tenancy. He has also candidly admitted that till revision petitioner's son's education was completed his family was in the petition premises and later his Sister in residing in the petition mentioned property. He further made clear that the rental agreement executed between the respondent landlord and revision petitioner's sister.

8.It is equally important to state that it is specific case of the respondent that the suit property is required by him and further pleaded that a portion of the suit property was already rented to one Tamilarasi.

9.It is very pertinent to state that the revision petitioner has categorically deposed that he had not taken any steps to know as to who is his landlord and as to whom rent has to be paid.

10.The above discussion would demonstrate that the petitioner is not entitled to have any relief or protection under the Tamil Nadu City Tenant Protection Act.

11.From the foregoing reason, I do not find any infirmity or irregularity over the impugned order, accordingly, the civil revision petition fails and the same is liable to be dismissed.

12.In the result:

(a) this Civil Revision Petition is dismissed, by confirming the order passed in CMA.No.18 of 2010, dated 12.07.2012, on the file of the learned Additional Subordinate Judge, Mayiladuthurai in confirming the fair and decreetal orders passed in I.A.No.353 of 2009 in O.S.No.356 of 2008 dated 18.10.2010, on the file of the learned Additional District Munsif, Mayiladuthurai;

WEB COPY

(b) the trial Court is directed to take up the suit on day to day basis without giving any adjournment to either parties and to dispose of the suit within a period of three

months from the date of receipt of a copy of this order.

Both the parties are hereby directed to give their fullest co-operation for early disposal of the suit. No costs.

Consequently, connected miscellaneous petition is closed.

18.04.2017

vs

Note: Issue order copy on 01.02.2019

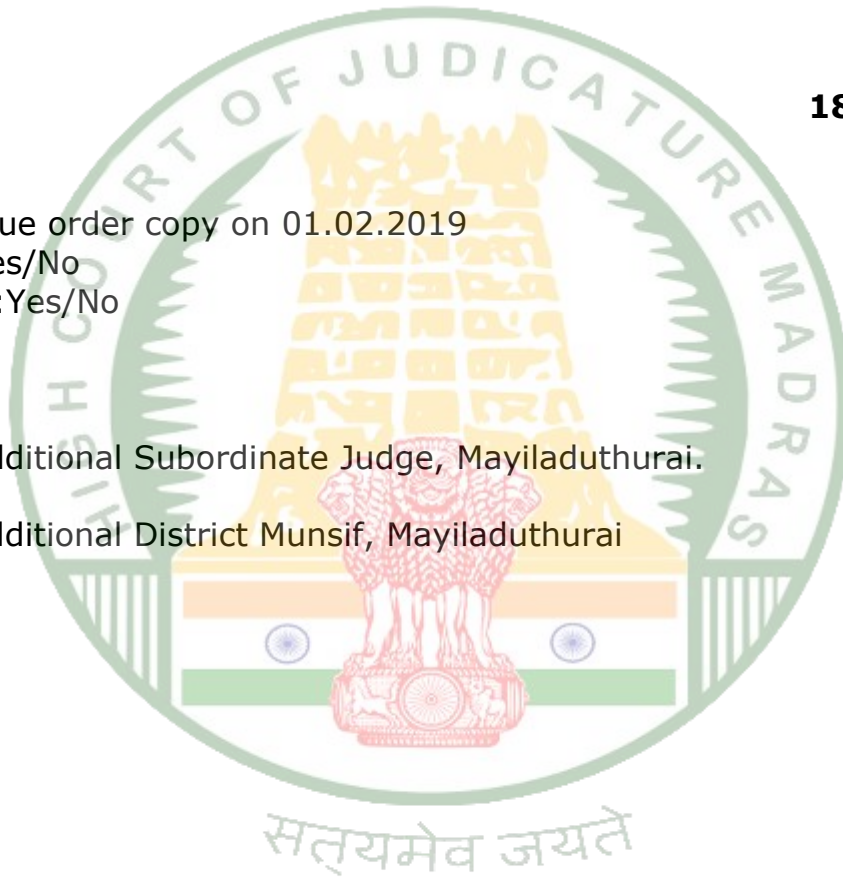
Index: Yes/No

Internet: Yes/No

To

1. The Additional Subordinate Judge, Mayiladuthurai.

2. The Additional District Munsif, Mayiladuthurai



WEB COPY

M.V.MURALIDARAN,J.

VS



**Pre-delivery order made in
CRP(PD)No.4065 of 2012
and
M.P.No.1 of 2012**

WEB COPY

18.04.2017