



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.JAYACHANDRAN**

C.R.P.(MD).No.444 of 2017 (PD)

1.Dhanabakkiyam

2.Santkumar

3.Dinesh

.. Petitioners/Petitioner/Petitioners/Tenants

Vs.

P.S.Bhaskar

.. Respondent/Respondent/Respondent/Landlord

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to issue a direction to the learned Rent Controller (Principal District Munsif) Lalgudi to take on file of IA Sr.375 of 2017 in RCOP NO.3 of 2016 permitting the petitioners to deposit rent periodically by issuing lodgement schedules.

For Petitioners :Mr.Raghuvaran Gopalan for
M/s.U.Niramalarani

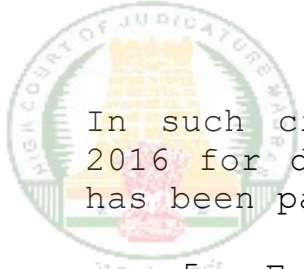
ORDER

The revision petitioners are aggrieved by the return of interlocutory application in RCOP NO.3 of 2016 seeking leave of the Rent Controller to issue lodgment schedule, so as to enable them to deposit the rent in the RCOP account.

2. The Rent Controller has returned the papers saying that when the main petition filed under Section 8(5) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 is pending, how permission can be granted to deposit the rent and how the interlocutory application is maintainable. Aggrieved by that, the tenants/petitioners in RCOP No.3 of 2016 is before this Court by way of revision.

3. Heard the learned counsel for the revision petitioners.

4. The documents relied on by the revision petitioners indicate that their landlord has served notice demanding arrears of rent from January 2016 and the revision petitioners have replied stating that there is no arrears of rent till May 2016 and they are ready to deposit the future rent in the manner desired by the Rent Controller. The landlord has also paid the rent through Money Order, but it has been returned as "refused".



In such circumstances, the tenants have preferred RCOP NO.3 of 2016 for deposit of rent and the matter is pending and no order has been passed so far by the Rent Controller.

5. Fearing allegation of wilful default, as an abundant caution, the tenants had taken out interlocutory application to permit them to deposit the rent and sought for issuance of lodgement schedule. Under such circumstances, the Rent Controller has returned the application with an endorsement as mentioned above. This Court is of the opinion that to save the tenants from any allegation of wilful default for the period from June 2016 onwards, it is proper to permit them to deposit the rent in a separate bank account every month and make use of it to show their bonafide during the trial at the appropriate stage. It is for the petitioners to prove the factum of remittance of rent for the period from January 2016 to May 2016, which is left open for the Rent Controller to decide. Two weeks time is granted to deposit the arrears of rent. Future rent shall be deposited on or before 7th of every month. With this direction, the civil revision petition is disposed of. This order is subject to any order to be passed in future in RCOP No.3 of 2016 by the learned Rent Controller, Lalgudi. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To
The Principal District Munsif,
The Rent Controller, Lalgudi.

+1 cc to M/S.U.NIRMALARANI, Advocate SR.No.13950

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08.03.2010

SMA/CM-MSA/14.03.2017:2P/3C