



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP(MD)No.973 of 2017 (NPD)

1. R.Ananda Nayaki
2. R.Sarvanakumar
3. R.Muthukumar

...Petitioners/Appellants/
Respondents-Tenants

Vs.

P. Ayyadurai

...Respondent/Respondent/
Petitioner-Landlord

Prayer:- Civil Revision Petition filed the Under Section 25 of Tamilnadu Building Lease and Rent Control Act, against the Judgement and Decree passed in RCA.No.13 of 2012 on the file of the Rent Control Appellate Authority/Principal Sub Court, Thoothukudi, dated 24.03.2017, confirming the Order and decreetal order passed in RCOP.No.05 of 2005 on the file of the Rent Control Tribunal/Principal District Munsif Court, Thoothukudi, dated 11.01.2012.

For Petitioners :Mr.N.GA.Natraj

For Respondent :Mr.M.P.Senthil

ORDER

This revision petition is directed against the concurrent findings of the Rent Controller and Rent Control Appellate Authority in the petition filed for eviction and on the ground of wilful default.

2. This is the second round of litigation. In the earlier round initiated by the erstwhile owner for fixation of fair rent, the Court has directed the revision petitioners herein to pay a sum of Rs.800/- per month as fair rent, which has not been complied by the revision petitioners. As a consequence, eviction proceedings was initiated in RCOP.No.5 of 2009, wherein the Rent Controller, considering the facts of the case and evidence let in by the respective parties has concluded that there is a wilful



default on the part of the revision petitioners/tenants in paying the monthly rent of Rs.800/- per month and in the light of the above findings, order of eviction was passed and two months time to vacate the premises was granted. Against the said order, dated 11.01.2012, the revision petitioners herein have preferred appeal before the Appellate Authority in RCA.No.13 of 2012. The Appellate Authority has confirmed the order of the Court below.

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

4. In the present revision petition, the revision petitioners/tenants have taken a plea that in the earlier proceedings for fixation of fair rent initiated by the erstwhile owner, the Court has fixed Rs.400/- for a single Door number and not Rs.400/- each, for two Door numbers in 68-A and 68-B. The rent fixed is for the composite premises which includes both the Door numbers and not Rs.800/- per month, as claimed by the Landlord. If the fair rent fixed is taken as Rs.400/- per month for entire premises, there is no default in payment of rent.

5. After considering the facts and circumstances, this Court is of the view that the plea of the revision petitioners/tenants is totally fallacious and illusionary one. The earlier proceedings of fixation of Rs.800/- per month for the demised premises is unambiguous and certain. The Courts below have rightly gone through the entire facts of the case and have rightly held against the revision petitioners. There is no reason to interfere with the order of eviction passed by the Rent Controller as confirmed by the Rent Control Appellate Authority.

6. In the result, this Civil Revision Petition is dismissed. No Costs. The learned counsel for the revision petitioners seeks one month time to vacate and hand over the premises. Though, the Landlord succeeded in eviction proceedings as earlier as 2012, no prejudices will be caused for him, if he waits for one more month for getting the vacant possession. Hence, the request of the revision petitioners is acceded and one month time is granted from the date of this order to vacate the premises and handover the vacant possession to the respondent Landlord.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



1.The Principal Sub Judge,
Rent Control Appellate Authority, Thoothukudi.

2.The Principal District Munsif,
Rent Controller, Thoothukudi.

+1cc to Mr.M.P.Senthil, Advocate Sr.No.58247
+1cc to Mr.N.GA.Natraj, Advocate Sr.No.58219

PJL

VB/SV/SAR1/07.06.2017/3P/5C

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