

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2018

C O R A M

THE HON'BLE MR.JUSTICE M.S.RAMESH

C.R.P.[NPD] No.4298 of 2015

and

M.P.No.1 of 2015

Gunasekaran

... Petitioner

Vs

Saraswathi Achi

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 11.09.2015 made in E.P.No.6 of 2014 in R.C.O.P.No.3 of 2000 on the file of the District Munsif Court, Jayankondam.

For Petitioner : Mr.A.Thiyagarajan

For Respondent : Mr.V.Raghavachari

ORDER

When the matter is came up for hearing on 28.11.2018, the petitioner had represented that time must be granted to vacate the premises and he would comply with the same. Hence, the matter was adjourned for filing affidavit of undertaking to vacate the suit premises

within a period of three months.

2. It is now represented by the learned counsel for the petitioner that the petitioner is not willing to file such an affidavit before this Court.

3. The only ground raised before this Court in the revision is that the petitioner herein is running Homeopathy Clinic in the demise premises for more than 50 years and that he has been paying the rents regularly and as such there is no willful default. The Rent Controller as well as the Appellate Authority had disbelieved on this aspect and found that the petitioner herein had committed willful default in paying the rents. The reasoning given by the Rent Controller on the ground of willful default is that R.W.1 had deposed in her evidence that she committed default in the payment of the rents and the reasons adduced for non-payment of rents was not substantiated beyond all reasonable doubts. This finding has also been confirmed by the Rent Controller/Appellate Authority.

4. On a perusal of the orders passed by the Rent Controller as well as the Appellate Authority, I am of the view there is no infirmity in the said finding. Just because the petitioner has raised a ground stating that he is possessing the demise premises for 50 years, the Civil Revision Petition cannot be entertained. As such, I do not find any reason to interfere with

the findings of the Court below.

With the above observations, the Civil Revision Petition stands dismissed. Consequently connected Miscellaneous Petition is closed. No costs.

04.12.2018

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Index : Yes/No

Internet : Yes/No

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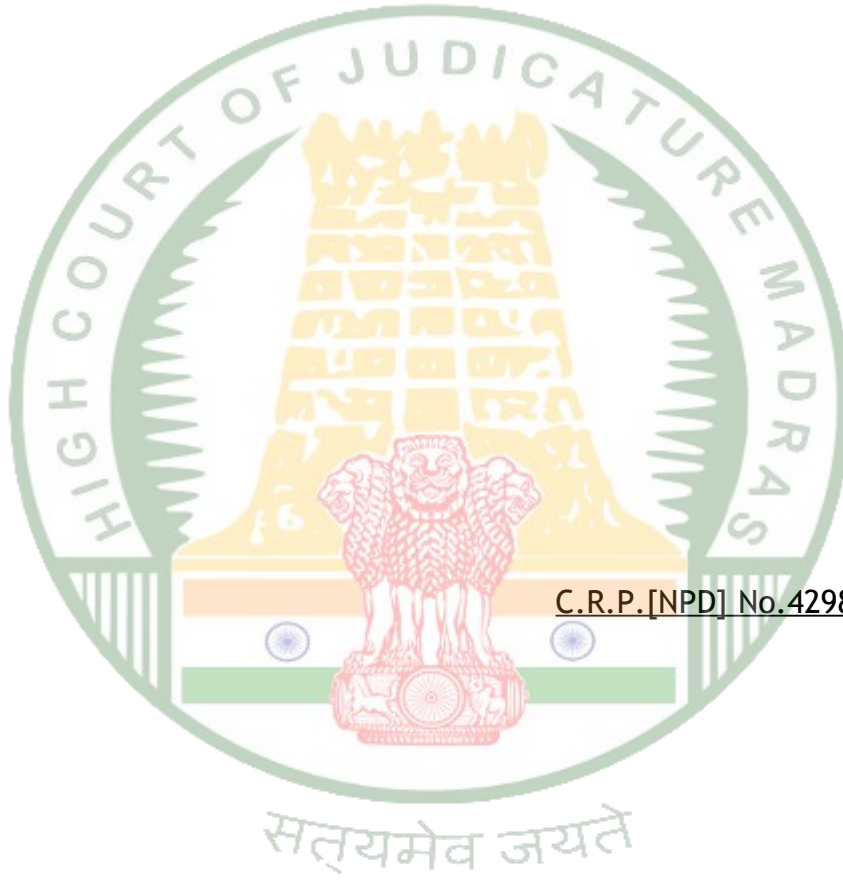
The District Munsif Court,
Jayankondam.



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M.S. RAMESH.J.

dh



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