

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.2997 of 2016

and

CMP.Nos.15121 of 2016 & 12354 of 2017

P.Lakhmi

.. Petitioner

Vs.

K.Hari

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the Judgment and decree passed in R.C.A.No.708 of 2014 on the file of IX Judge, Small Causes Court, Chennai (Appellate Authority) dated 06.06.2016, confirming the fair and decreetal order passed in M.P.No.403 of 2014 in R.C.O.P.No.837 of 2014 on the file of the XII Judge, Small Causes Court, Chennai (Rent Controller) dated 31.10.2014.

For Petitioner : Mr.K.Krishnan

For Respondent : Mr.T.Velumani

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ORDER

The Civil Revision Petition is filed to set aside the Judgment and decree passed in R.C.A.No.708 of 2014 on the file of IX Judge, Small Causes Court, Chennai (Appellate Authority) dated 06.06.2016, confirming the fair and decreetal order dated 31.10.2014 passed in M.P.No.403 of 2014 in R.C.O.P.No.837 of 2014 on the file of the XII Judge, Small Causes Court, Chennai (Rent Controller).

2. According to the revision petitioner, the respondent has filed R.C.O.P.No.837 of 2014 for eviction against the revision petitioner on the ground of willful default. In the aforesaid R.C.O.P, the respondent filed M.P.No.403 of 2014 under Section 11 (3) of the Tamil Nadu Buildings (Lease and Rental Control) Act for a direction to the petitioner/tenant to pay the outstanding rental arrears of sum of Rs.87,000/- for the period of December of 2013 to July 2014. The learned Trial Judge passed an order directing the revision petitioner to pay a sum of Rs.15,000/- (Rupees Fifteen thousand only) to the respondent from December 2013 to till date, on or before 14.11.2014

and also directed him to pay the subsequent monthly rents within 5th day of English Calendar month. The revision petitioner has filed an appeal in R.C.A.No.708 of 2014, against the fair and decreetal order passed by the Trial Court in M.P.No.403 of 2014 in R.C.O.P.No.837 of 2014 on the file of the XII Small Causes Court, Chennai. The Appellate Court, also by the judgment and decree dated 06.06.2016 made in R.C.A.No.708 of 2014, confirmed the order passed by the learned Rent Controller in R.C.O.P.No.837 of 2014. Challenging the judgment and decree made in R.C.A.No.708 of 2014, the present Civil Revision Petition is filed by the Revision Petitioner.

3.The learned counsel appearing for the petitioner would submit that to show the bonafide of the Revision Petitioner, he has deposited the aforesaid arrears amount as directed by the learned Rent Control Authority.

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4.The learned counsel appearing for the respondent would submit that the said fact has been decided only at the time of the R.C.O.P proceedings.

5.The learned counsel appearing for the revision petitioner admitted that she will pay a sum of Rs.7,000/-. The dispute is only with regard to the payment of the balance amount of Rs.8,000/-.

6.The learned counsel appearing for the respondent would submit that by considering the above said contention, both the Courts have directed the revision petitioner to pay a sum of Rs.15,000/- per month for the period from December 2013 to July 2014. There is no dispute for the payment of rent of Rs.7,000/- to the respondent. Therefore, the dispute is only for Rs.8,000/-.

7.According to the respondent, to show her bona fide, the revision petitioner has deposited the said amount before the learned Rent Controller. The respondent can withdraw the aforesaid amount. Therefore, no prejudice would be caused to the respondent, if the respondent could withdraw the aforesaid amount. In the light of the above, the Civil Revision Petition is liable to be dismissed.

8.By considering the submissions made by both the parties and

on perusal of the materials on record, this Court finds that the case of the revision petitioner is that the respondent has filed M.P.No.403 of 2014 under Section 11 (30 of the Tamil Nadu Buildings (Lease and Rental Control) Act. The said application was allowed by the trial Court by directing the petitioner to pay a sum of Rs.15,000/- to the respondent for the period from December 2013 to July 2014. Challenging the fair and decreetal order passed by the Trial Court in M.P.No.403 of 2014 in R.C.O.P.No.837 of 2014 on the file of the XII Small Causes Court, Chennai, the revision petitioner has filed an appeal in R.C.A.No.708 of 2014. The Appellate Court also confirmed the decree and judgment passed in said R.C.O.P.

9. Therefore, this Court is inclined to modify the order passed by the Courts below and pass the following orders:

1) The revision petitioner shall deposit the arrears of the rent for the period from December 2013 to July 2014 at the rate of Rs.15,000/- (Rupees Fifteen thousand only) per month, within a period of six weeks from the date of receipt of a copy of this order. If already any amount is paid, the same shall be deducted;

2) The revision petitioner shall also

deposit the future rent from August 2014 to February 2018, thereafter within a period of six weeks;

3)The revision petitioner shall deposit the future rent from March 2018 to the credit of the R.C.O.P.No.837 of 2014 on or before tenth day of every succeeding English Calendar month;

4)The event of the deposit of amount shall be subject to the out-come of the rent control proceedings. The order passed by the learned Rent Control Authority is modified to the above said extent and

5)The learned Rent Control Authority i.e. the XII Small Causes Court, Chennai is directed to dispose of the R.C.O.P as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

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10.In fine, the Civil Revision Petition is partly allowed with the above said direction. Consequently, the connected Miscellaneous Petitions are closed. No costs.

27.03.2018

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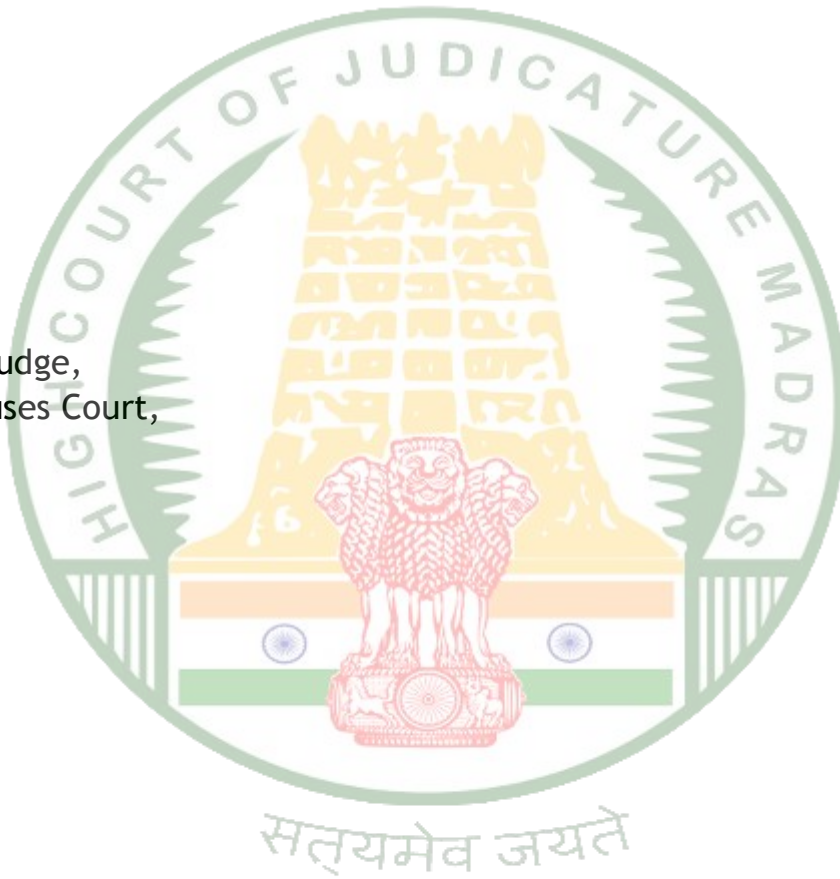
Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

To

The XII Judge,
Small Causes Court,
Chennai.



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D. KRISHNAKUMAR J.,

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