



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2018

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P(PD) (MD) .No.103 of 2018

and

C.M.P(MD) No.466 of 2018

Baskar

...Petitioner/Appellant/Respondent/
Tenant

Vs .

1.Rangarajan
2.Nagarajan
3.Sulochana
4.Chithra
5.Lalitha
6.Srinivasan
7.Amutha

...Respondents/Respondents/Petitioners/
Landlords

PRAYER:- Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control Act) 18 of 1960, praying to set aside the order passed in R.C.A.No.4 of 2015 dated 08.09.2017 on the file of the Rent Control Appellate Authority (Principal Sub Court), Kumbakonam confirming the judgment and decree in R.C.O.P.No.20 of 2011 dated 06.03.2015 on the file of the Principal Rent Controller cum Principal District Munsif, Kumbakonam.

For Petitioner : Mr.I.Suthakaran

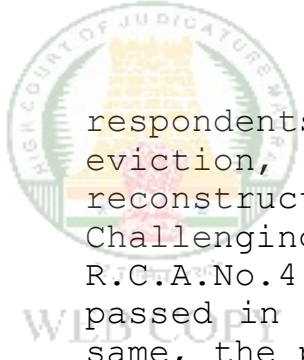
For Respondents : Mr.H.Lakshmi Shankar

ORDER

Assailing over the concurrent findings of the Rent Control Appellate Authority (Principal Sub Court), Kumbakonam in R.C.A.No.4 of 2015 dated 08.09.2017 and the Principal Rent Controller cum Principal District Munsif, Kumbakonam in R.C.O.P.No.20 of 2011 dated 06.03.2015, the present Civil Revision Petition came to be filed.

2. The facts of the case, in nutshell, are as follows:

<https://hcservices.ecourts.gov.in/hcservices/>
2.1. The petitioner herein is the tenant in the suit mentioned property, belonging to the respondents/landlords. The



respondents/landlords have filed R.C.O.P.No.20 of 2011 seeking eviction, on the ground of wilful default, demolition and reconstruction. The said petition was allowed, as prayed for. Challenging which, the petitioner herein/tenant has filed R.C.A.No.4 of 2015, which was later dismissed, thereby, the order passed in R.C.O.P.No.20 of 2011 got confirmed. Aggrieved over the same, the present revision came to be filed.

3. Heard the learned Counsel appearing for both sides and perused the documents placed on record.

4. It is seen that the petitioner/tenant is in arrears right from September 2009 (i.e., 101 months, as of January 2018). The monthly rent payable is disputed by both the parties. According to the petitioner/tenant, the monthly rent payable is Rs.400/-, whereas, according to the respondents/landlord, it is Rs.1000/-. It is also seen that according to the petitioner/tenant, he has given a sum of Rs.40,000/- as advance, which is refuted by the respondents/landlord. Moreover, there is no evidence for the said claim of the petitioner/tenant. In the absence of any evidence to that effect, this Court is not in a position to accept the said plea.

5. After some rounds of detailed and elaborate arguments, the petitioner/tenant has consented for vacating the premises, but, sought for some time. The learned Counsel for the respondents/landlord have also accepted the said plea, but, he would submit that even as per the version of the petitioner/tenant, the monthly rent payable is Rs.400/- and the petitioner is in arrear for the past 101 months, which would amount to Rs.40,400/-. Therefore, he would pray for a direction to the petitioner/tenant to pay the arrear amount.

6. Today (06.02.2018), the learned Counsel for the petitioner has submitted an additional affidavit dated 01.02.2018, undertaking that he will vacate the premises within a period of nine months. He further sought the indulgence of this Court, permitting him to pay the arrears in four equal installments.

7. Considering the facts and circumstances of the case, this Court, hereby, directs the petitioner to pay the first installment, i.e., Rs.10,100/- by 30.04.2018. The second installment of Rs.10,100/- shall be effected by 30.06.2018. The third and fourth installments of Rs.10,100/- each, shall be effected by 31.08.2018 & 31.10.2018, respectively and the petitioner shall vacate the premises by 31.10.2018. Needless to state that the petitioner has to pay the monthly rent at the rate of Rs.400/-, from the month of February 2018, in addition to the



8. With the above directions, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge,
Rent Control Appellate Authority,
Kumbakonam.
2. The Principal District Munsif,
Principal Rent Controller,
Kumbakonam.

Copy To:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

- + 1 CC TO Mr.I.SUTHAKARAN, ADVOCATE IN SR No. 46515
- + 1 CC TO Mr.H.LAKSHMI SHANKAR, ADVOCATE IN SR No. 46792

GK
TE/JC/SAR-4 : 05/03/2018 : 3P/7C

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