



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.08.2018

CORAM :

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P. (NPD) (MD) No.1407 of 2018

1.Kumaravel Chettiar (Died)
2.Vasuki
3.Kavitha
4.Sundari
5.Arun

...Petitioners/Appellants/Respondents

Vs.

P.R.Perumal

... Respondent/Respondent/Petitioner

Prayer: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, as against the judgment and decree dated 30.08.2017 passed in R.C.A.No.2 of 2012 on the file of the Rent Control Appellate Authority / Sub-Court, Pattukkottai confirming the judgment and decree dated 18.11.2011 passed in R.C.O.P.No.1 of 2011 on the file of the District Munsif Court, Pattukkottai.

For Petitioners : Mr.P.Thirumahilmaran

For Respondent : Mr.M.R.Sreenivasan

ORDER

The revision petitioners, who are the appellants in R.C.A.No.2 of 2012, have filed the civil revision petition against the judgment dated 30.08.2017 passed by the Rent Control Appellate Authority / Sub-Court, Pattukkottai.

2.It is not in dispute that the appellants are the tenants under the respondent for a monthly rent of Rs.2,000/-, which has been commenced from 27.09.2000. The respondent has filed an application in R.C.O.P.No.1 of 2011, for eviction on the ground of owners occupation as well as nuisance and also default. However, the District Munsif, Pattukkottai, has allowed the said application on the ground of wilful default. Against which, the appellants have filed an appeal before the Rent Control Appellate



Authority / Sub Court, Pattukkottai. The appellate authority has also confirmed the order of eviction. Against which, the present civil revision petition has been filed.

3. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent and perused the entire materials placed before this Court.

4. Factually, the Court below found that the petitioners have committed wilful default in paying the rent and as such, default is wilful and deliberate. Hence, the factual findings arrived by the Court below cannot be interfered with while exercising the revisional jurisdiction. Hence, this Court do not find any merit in this revision. At this stage, the learned counsel appearing for the revision petitioners submitted that the revision petitioners seek two years time to vacate the premises in question.

5. The learned counsel appearing for the respondent would submit that 9 months time is enough for the revision petitioners to vacate the premises.

6. Considering the aforesaid submissions, I am of the view that to give quietus to the litigation between the parties, some period of time may be given for vacating the property. It is also made clear that the revision petitioners shall vacate and hand over the entire premises, on or before 14.08.2019, without any fail. Besides, the revision petitioners shall continue to pay the rent at the rate of Rs.2,500/- per month, till the date of vacating the premises. It is also made clear that in the event of failure to vacate the premises before the time as granted by this Court, the revision Petitioners will be liable to be proceeded under the Contempt of Court Act.

7. With the above directions, this civil revision petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Rent Control Appellate
Authority/Sub Judge,
Pattukkottai.

<https://hcservices.courts.gov.in/hcservices/>
2. The District Munsif,
Pattukkottai.



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

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+ 1 CC TO MR. M.A.ABDUL WAHAB, ADVOCATE IN SR NO. 79240

NS

BU/TK/SV/SAR-II : 24.09.2018 : 3P/6C

Judgment made in
C.R.P.(MD).No.1407 of 2018
20.08.2018