



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2018

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WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(NPD) (MD) No.2118 of 2016
and C.M.P.(MD) No.9934 of 2016

T.M.Johnson ...Petitioner/Appellant/Respondent

-Vs-

C.Therasammal ...Respondent/Respondent/Petitioner

Prayer: Civil Revision Petition is filed under Section 25 of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960 against the fair and decretal order dated 01.03.2016 made in R.C.A.No.1 of 2013 on the file of the Rent Control Appellate Authority cum Subordinate Judge, Padmanabapuram, confirming the fair and decretal order dated 17.07.2013 made in R.C.O.P.No.3 of 2011 on the file of the Buildings Rent Controller cum Principal District Munsif, Padmanabapuram.

For Petitioner: Mr.G.Aravinthan

For Respondent: Mr.S.R.Anbarasu

O R D E R

The tenant is the revision petitioner before this Court. One Therasammal the respondent herein filed R.C.O.P.No.3 of 2011 before the Rent Controller, Padmanabhapuram. The said R.C.O.P was allowed on 17.07.2013. Questioning the same, the tenant filed R.C.A.No.1 of 2013 before the Rent Control Appellate Authority cum Subordinate Judge, Padmanabapuram. The appeal was also dismissed on 01.03.2016. Thereafter, this Civil Revision Petition was filed.

2. During the pendency of this revision proceedings, the respondent appears to have been passed away on 02.12.2017. The revision petitioner's counsel therefore requested time to take steps.

3. Only if this Civil Revision Petition is to be allowed, the legal heirs of the respondent will have to be brought on record. For dismissing the Civil Revision Petition, the legal heirs of the respondent need not be heard.

<https://hcservices.courts.gov.in/hcservices/>
1. The Rent Controller has given a finding that since December 2010, the tenant has not paid any amount as rent to the landlady.



This Court went through the materials on record. The only contention raised by the tenant is that the electricity connection was disconnected by the landlady for not paying the rent to her.

5. The rent control authority has given a categorical finding that the default committed by the tenant is wilful and that the tenant not having taken recourse to the procedure laid down in Section 8 of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960, is not entitled to any indulgence. The categorical finding on wilful default of rent has been confirmed by the rent control appellate authority and no materials has been produced to dislodge the said finding. There is no merit in this Civil Revision Petition.

6. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected C.M.P.(MD) No.9934 of 2016 is dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS-I)

To

1. The Buildings Rent Controller cum Principal District Munsif, Padmanabapuram.
2. The Rent Control Appellate Authority cum Subordinate Judge, Padmanabapuram.

+ 1 CC TO MR.G.ARAVINTHAN, ADVOCATE IN SR NO.84396
+ 1 CC TO MR.S.R.ANBARASU, ADVOCATE IN SR NO.85003

CM

BU/PM/SAR-I :26.10.2018 : 2P/5C

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