



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 24.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR  
C.R.P. (NPD) (MD)No.1650 of 2018  
and  
C.M.P. (MD)No.7208 of 2018

Palaniyappa Pillai : Petitioner/Appellant/Respondent

vs.

1.Duraikannan  
2.Sureshkumar  
3.Aravindaraj  
4.Rameshgopal @ Ramesh : Respondents/Respondents/Petitioners

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, against the order and decree dated 23.11.2017 made in R.C.A.No.1 of 2016 on the file of the Rent Controller Appellate Authority -cum- Principal Sub Court, Kumbakonam, Thanjavur District, confirming the order and decree dated 30.11.2015, made in R.C.O.P.No.66 of 2004 on the file of the Rent Controller -cum- Principal District Munsif, Kumbakonam, Thanjavur District.

For Petitioner : Mr.G.Gomathi Sankar  
For Respondents : Mr.H.Lakshmi Shankar

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ORDER

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This Civil Revision Petition has been filed as against the order of the Rent Control Appellate Authority, in R.C.A.No.1 of 2016, dated 23.11.2017, confirming the order passed by the Rent Controller in R.C.O.P.No.66 of 2004, dated 30.11.2015.

2. Admittedly, it is the case of the respondents that the revision petitioner is a tenant on monthly rent of Rs.500/-, which was subsequently, increased to Rs.800/- and he has committed default in payment of rent from December 1999 to October, 2004, i.e., for a period of 59 months, to the tune of Rs.47,200/-. Hence, an application for eviction of the tenant was filed before the Rent Controller. The contention of the revision petitioner before the Rent Controller that originally he was a tenant under one Parvathi Ammal and thereafter, he has also become a tenant under the respondents herein, however, disputed the monthly rent as Rs.800/- and admitted that the monthly rent payable is only Rs.500/-. The Rent Controller, after analyzing the entire materials on record, found that the revision petitioner has committed wilful default and ordered for eviction, as against which, the revision petitioner



preferred an appeal before the Appellate Authority. The Appellate Authority also confirmed the order of the Rent Controller. Aggrieved over the same, the present revision has been filed.

3. On perusal of the entire materials available on record, this Court found that the tenant has committed wilful default and there is no merit in this Civil Revision Petition.

4. At this juncture, the learned counsel appearing for the revision petitioner seeks ten months time to vacate the premises in question.

5. However, the learned counsel for the respondents submitted that the tenant is already in possession for more than 43 years. The property belongs to the Temple. Hence, it is submitted that reasonable time may be fixed.

6. Considering the nature of possession and the duration in which the tenant is in possession and he has also committed wilful default, seven months' time is given for the revision petitioner to vacate the premises in question. It is also made clear that he shall hand over the vacant possession of the premises in question on or before 30<sup>th</sup> March, 2019 without any default and he shall continue to pay the rent till such time. In case of failure to vacate the premises in question on or before 30<sup>th</sup> March, 2019, the revision petitioner will be liable to be proceeded under the Contempt of Courts Act.

7. The Civil Revision Petition is dismissed with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/  
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar (CS-I)

To

1.The Rent Controller Appellate Authority -cum-  
Principal Sub Court, Kumbakonam,  
Thanjavur District.

2.The Rent Controller -cum-  
Principal District Munsif, Kumbakonam,  
Thanjavur District.

+1cc to Mr.H.LAKSHMI SHANKAR, Advocate, SR.No. 80109

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