



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P. (PD) (MD) No.1228 of 2013

and

M.P. (MDNos.1 and 2 of 2013 and 1 of 2014

M.S.Thiagarajan : Petitioner/Appellant/
Respondent Tenant
vs.

A.Ansar Ali : Respondent/Respondent/
Petitioner Landlord

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the fair and decreetal order dated 25.04.2013, passed in R.C.A.No.24 of 2010 on the file of the Principal Sub-Court, Tirichirappalli, confirming the fair and decree passed in R.C.O.P.No.266 of 1999, dated 17.06.2010, on the file of the Rent Controller (I Additional District Munsif), Trichy.

For Petitioner : Mr.S.Muthukrishnan
For Respondent : Mr.Narayanan

ORDER

The tenant is the revision petitioner. The respondent / landlord filed RCOP No.266 of 1999 on the file of the Rent Controller, Trichy for eviction against the revision petitioner on the ground of wilful default, own use and additional accommodation for his business purpose.

2.The tenancy is not in dispute and the tenant questioned the bona fides of the petitioner and disputed any default in payment of rent. The Rent Controller found that the tenant has committed wilful default in payment of rent and further held that the respondent / landlord has proved that the premises is required for his own occupation. Since the petition mentioned property is adjoining to another shop portion, which is in the possession of the landlord, the Rent Controller justified that the requirements of petition mentioned property for additional accommodation is also established. The findings of the Rent Controller was also confirmed by the Rent Control Appellate Authority in RCA No.24 of 2010. Aggrieved by the concurrent findings of the authorities below, the present revision petition has been filed by the tenant.



3. The learned Counsel for the revision petitioner though submitted that the findings of the Courts below are unsustainable, he is unable to demonstrate that the findings of the Rent Controller as well as the Rent Control Appellate Authority are vitiated by ignoring any facts or evidence. Though it is stated that no steps have been taken by the landlord to commence any business, the Courts below have found no reason to disbelieve the bona fides of the landlord in seeking eviction on the ground of own use and occupation and additional accommodation. Though it is contended by the tenant that the landlord is having other building on his own in the same town, it is not proved by any evidence.

4. As regards the findings of the Courts below on the question of wilful default, the learned Counsel for the revision petitioner is unable to convince the Court by referring to any evidence or statement or witness before the Courts below. The petition filed by tenant to deposit rent in Court was also dismissed. Hence default is admitted and it was held further by the authorities below that the default is wilful. Having regard to the scope of Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, this Court is not in a position to interfere with the findings of the authorities below, in this case where, the findings of the Courts below are based on evidence and supported by reasons. As a result, this revision petition is dismissed and the order passed by the Principal Sub-Court, Tiruchirappalli, in R.C.A.No.24 of 2010, dated 25.04.2013, confirming the fair and decreetal order passed in R.C.O.P.No.266 of 1999, dated 17.06.2010, on the file of the Rent Controller (I Additional District Munsif), Trichy, is confirmed. However, there is no order as to costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sub-Court,
Tiruchirappalli.
2. The Rent Controller (I Additional District Munsif),
Trichy.
3. The Section Officer,
Vernacular Records, (2 Copies)
Madurai Bench of Madras High Court,



+1CC to Mr.R.Narayanan Advocate in SR.No.63478
+1CC to Mr.S.Muthukrishnan Advocate in SR.No.63343.

CMR

DS/SV/MMS/SAR-1 :21.05.2018: 3P/7C

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