

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.03.2019

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(NPD)No.3678 of 2008
and M.P.No.1 of 2008

Singaravelu

..

Petitioner

versus

Thillai Vinayagam

..

Respondent

PRAYER: Civil Revision Petition has been filed under Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act, 1960 as amended by Act 20/1973 and 01/1980, against the order dated 03.12.2007 made in R.C.A.No.1 of 2004 on the file of the Rent Control Appellate Authority (Sub Judge), Tiruvarur, confirming the order dated 17.11.2003 made in R.C.O.P.No.26 of 2002 on the file of the Rent Controller (District Munsif), Tiruvarur.

For Petitioner : M/s.Srinath Sridevan

For Respondent : Mr.B.Suresh
for M/s.P.K.Sivasubramaniam**ORDER**

This Civil Revision Petition has been filed as against the order of the Rent Controller and the Appellate Authority ordering the eviction under Section 10(3)(a)(iii) and Section 14(1)(a) of the Tamil Nadu Buildings Lease and Rent Control Act, 1960 as amended by Act 20/1973 and 01/1980.

2. It is the case of the landlord that the respondent is a tenant on a monthly rent of Rs.40/- and the premises required for landlord son's business, the same is required *bona fide*.

3. The respondent disputed the contention of the petitioner and contended that the building is not old, elaborated and repair is not necessary, the requirement of the landlord is not a *bona fide*.

4. On the said of the landlord, he himself examined as P.W.1 and Ex.A.1 to Ex.A.7 were marked and the tenant himself examined as R.W.1. The Rent Controller has found that the building is required for business of the landlord's son and the landlord has proved that his son has no other building for business purpose and he is doing the business in a rented premises and hence, ordered the eviction. The First Appellate Court has also found that the requirement of the landlord is *bona fide* and confirmed the order of the Rent Controller. As against which, the present Civil Revision Petition is filed.

5. The learned counsel appearing for the revision petitioner submitted that the requirement of the landlord is not *bona fide*, unless the *bona fide* has been established, the eviction cannot be ordered.

6. The learned counsel appearing for the respondent submitted that the Rent Controller and the First Appellate Court analysed the entire facts and found that the requirement of the landlord is *bona fide* and hence, ordered the eviction.

7. I have perused the orders of the Rent Controller as well as the First Appellate Court.

8. The Courts below in fact ordered the eviction on the factual basis after appreciation of the evidence and found the requirement of the landlord is *bona fide*. When the Courts below have factually arrived at a conclusion legally, as the Revision Court cannot re-appreciate the evidence once again. Accordingly, I do not find any error or infirmity in the order passed by the Courts below and the Revision is liable to be dismissed.

9. At this stage, the learned counsel appearing for the revision petitioner submitted that the revision petitioner is a visually challenged person and hence, he requires one year time to vacate the premises. The learned counsel appearing for the respondent objected for the same.

10. Considering the submissions made on both sides, particularly, the contention of the learned counsel appearing for the revision petitioner that the revision petitioner is a visually challenged person, this Court grants seven months time to the revision petitioner to vacate the premises and the revision petitioner is directed to file an affidavit of undertaking before this Court, within a period of two weeks from the date of receipt of a copy of this order, failure to file such affidavit, the order of the Courts below directed the eviction within two months will be revived.

11. With these observations, the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

28.03.2019

Speaking Order/Non Speaking Order

Index : Yes / No

Internet : Yes

sri

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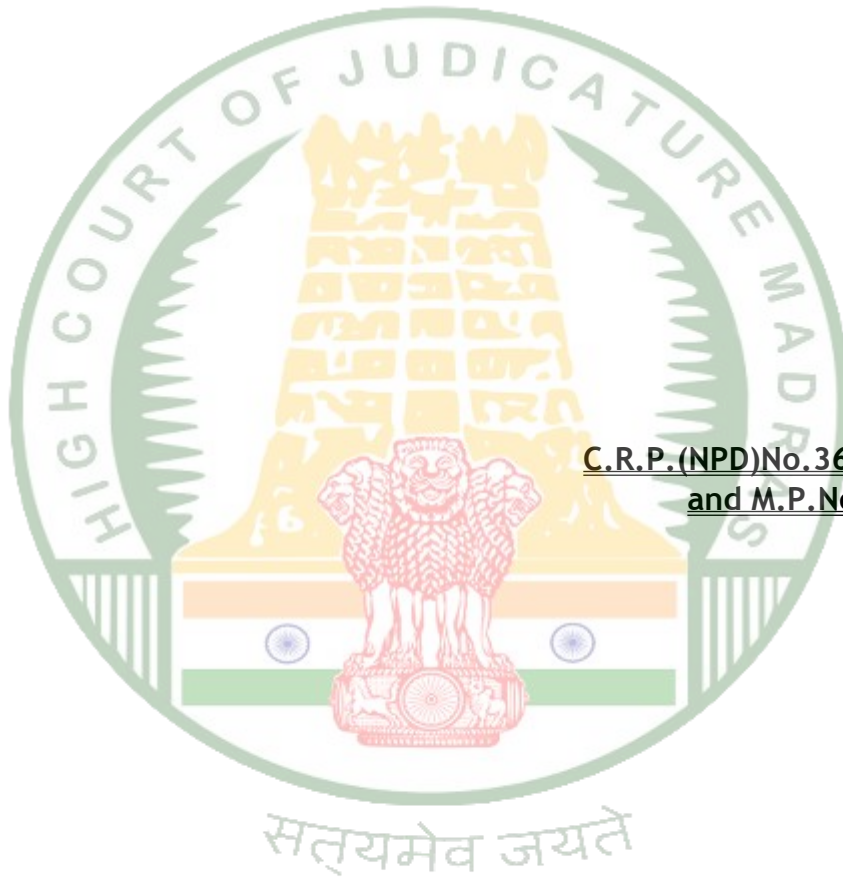
1. The Rent Control Appellate Authority
(Sub Judge),
Tiruvavarur.

2. The Rent Controller
(District Munsif),
Tiruvavarur.



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N.SATHISH KUMAR, J.,
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