

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(NPD) No.522 OF 2019
and
C.M.P.No.3384 OF 2019

C.Sornaraj

... Petitioner

Vs.

C.Anusuya

... Respondent

PRAYER: Civil Revision Petition filed under Section 25(1) of the Tamil Nadu Buildings Lease and Rent Control Act, 1960, praying to set aside the judgment and decree made in R.C.A.No.256 of 2017 dated 14.08.2018 on the file of VIII Small Causes Court at Chennai, confirming the judgment and decree made in R.C.O.P.No.1340 of 2014 dated 23.12.2016 on the file of the XII Judge, Small Causes Court, Chennai.

For Petitioner

: Mr.P.Gunaraj

For Respondent

: Mr.L.Damodaran

ORDER

Aggrieved over the concurrent findings of the Courts below, the unsuccessful tenant preferred the above revision.

2. Petitioner is the tenant. The respondent land lady filed petition for eviction against the petitioner on the grounds of wilful default and for owners occupation. The respondent contested the case and suffered decree before the Rent Controller and the Rent Control Appellate Authority.

3. The learned counsel for the petitioner would contend that the Courts below failed to consider that the petitioner had remitted the monthly rentals by money order and he had not committed wilful default. Further, the requirement of the petitioner is not bonafide as the extent of the petition premises itself is only 49 Sq.ft. and it is not possible to run a cloth shop as claimed by the respondent. The respondent had disconnected the electric supply with an ulterior motive to enhance the rentals and in fact demanded Rs.2,000/- more than the rental amount of Rs.2,500/-. He had also filed a petition to deposit the rentals into Court u/s. 8(5) of the Act.

4. He would further request time to produce the proof of

<http://www.judis.nic.in> payment viz. money order receipts, but in vain. I have considered the

submissions of the learned counsel appearing for both sides. A perusal of the evidence of the petitioner/tenant reveals that he had admitted the default committed by him and that he had paid only one month rental in the month of June 2014, for the month of May 2014 and the same was adjusted against February rent. Further, he had categorically admitted that he had not denied the demand made by the respondent / land lady, for possession of premises for own use and occupation for the purpose of running a cloth shop by his son. When there is admission by the tenant on both the grounds and that in spite of the time granted by the Court, the inability of the tenant to produce even a scrap of paper towards payment of rentals, this Court does not find any reason to interfere with the concurrent findings of the Court below.

5. The Civil Revision Petition merits no consideration and accordingly dismissed. Petitioner shall vacate and hand over the petition premises forthwith. No costs. Connected civil miscellaneous petition is closed.

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05.08.2019

Index: Yes/No
Speaking Order/Non Speaking order.
bkn

M.GOVINDARAJ, J

bkn

To

1. The VIII Small Causes Court at Chennai.
2. XII Judge, Small Causes Court, Chennai.



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