

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.04.2019

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(NPD)No.4156 of 2012
and M.P.No.1 of 2012

1.Vijaya
2.Ramalingam

...

Petitioners

versus

1.Gunadevi
2.Shanthi
3.Gopal

...

Respondents

PRAYER: Civil Revision Petition has been filed under Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act, 1960, against the order dated 29.08.2011 made in R.C.A.No.12 of 2010 on the file of the Rent Control Appellate Tribunal (Principal Subordinate Judge), Salem, confirming the order dated 01.04.2010 made in R.C.O.P.No.41 of 2006 on the file of the Rent Controller (1st Additional District Munsif), Salem.

For Petitioners : Mr.R.Nalliyappan
For Respondent No.1 : Mr.T.Murugamanickam
For Respondent Nos.2 & 3 : *Ex parte*

ORDER

This Civil Revision Petition has been filed as against the concurrent findings of the Courts below in ordering eviction on the ground of sublease in respect of the building situated at Survey No.30/1.

2. The trial Court and the Appellate Court had found that originally the respondents 1 and 2 [respondents 2 and 3 herein] were tenants on a monthly rent of Rs.1,000/-, they sublet the same to the third respondent, namely, the first petitioner herein and hence, they sought an eviction in respect of the building situated at Survey No.30/1. The first petitioner has taken a defence to the effect that she is in occupation along with poramboke land in Survey Nos.31/1 and 31/3. According to the first petitioner, she is not a tenant under the landlord. The Courts below based on the title deeds of the plaintiff and also the admission of the respondents 1 and 2, who are the original tenants had also filed suit for bare injunction as against the original owner Maduraipillai in respect of Survey No.30/1. Considering the oral and documentary evidence, both the Courts below had held that the landlord is the owner of Survey No.30/1. Challenging the same, the present Civil Revision is filed.

3. The main contention of the revision petitioners is that the revision petitioners are in possession of Survey Nos.31/1 and 31/3, which is a Government Poramboke land. However, according to the revision petitioners under the Cover of the order obtained in respect of Survey No.30/1, they should not be evicted on the strength of decree and judgment of the trial Court.

4. The learned Senior Counsel appearing for the first respondent / landlord fairly submitted that they would execute the decree only in respect of Survey No.30/1, for which, the learned counsel appearing for the revision petitioners has no quarrel or dispute.

5. In view of the above submissions, the main concern of the revision petitioners that they are in possession of Survey Nos.31/1 and 31/3 but absolutely there is no dispute with regard to Survey No.30/1. The revision petitioners had also not claiming any right over Survey No.30/1, their only concern is that they are in possession of Survey Nos.31/1 and 31/3 and they should not be evicted. Since the decree and judgment relates only to Survey No.30/1, it could be executed only in respect of said Survey Number only. Therefore, nothing requires to be adjudicated in this Revision and the findings of the Courts below are hereby confirmed.

6. In the result, this Civil Revision Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed. No costs.

10.04.2019

Speaking Order/Non Speaking Order

Index : Yes / No

Internet : Yes

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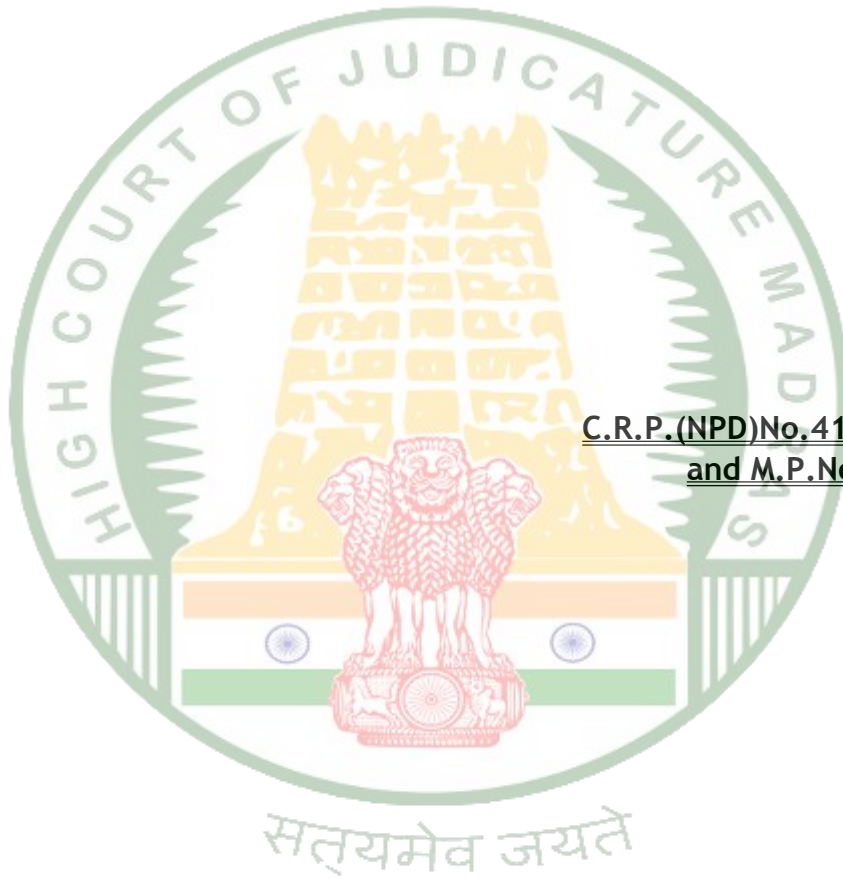
1.The Rent Control Appellate Tribunal
(Principal Subordinate Judge),
Salem.

2.The Rent Controller
(1st Additional District Munsif),
Salem.



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N.SATHISH KUMAR, J.,
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