

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2019

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.No.4476 of 2013

and

M.P.No.1 of 2013

P.T.Rojammal (Died)

1.P.Malleeswari

2.P.T.Bhanugopalan

... Petitioners/Tenant

Vs.

V.Murugadoss

... Respondent/Landlord

Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the fair and decreetal order dated 06.08.2013, made in RCA No. 619/06 on the file of the VII Small Causes Court, Chennai confirming the order and decreetal order dated 12.04.2006 in R.C.O.P.No.1300 of 2005 on the file of the XV Small Causes Court, Chennai.

For Petitioners : Mr.P.Hari Babu

For Respondent : Mr.G.Jeremiah

O R D E R

Challenging the judgment and decree passed in R.C.A.No.619 of 2006 on the file of the 7th Judge, Court of Small Causes, Chennai confirming the order passed in R.C.O.P.No.1300 of 2005 on the file of the 15th Judge, Court of Small Causes, Chennai, the tenants have filed the above Civil Revision Petition.

2.The respondent/landlord filed R.C.O.P.No.1300 of 2005 for eviction on the ground of demolition and reconstruction. In the petition, the respondent has stated that the building is more than 50 years old and that it is in a dilapidated condition which requires immediate demolition and reconstruction. That apart, the respondent/landlord has also stated that the petitioners are paying a meagre rent of Rs.200/- per month for the non-residential premise in the heart of the City of Chennai. The petition premises situate at Walltax Road, Chennai, adjoining the Central Railway Station and the Government General Hospital. The tenants filed their counter and contested the matter. In the counter, the tenants

have taken a stand that the building was in a good condition and therefore, demolition of the building is not required.

3. Before the Rent Controller, on the side of the landlord, 2 witnesses were examined and 4 documents, Exs.P1 to P4 were marked. However, on the side of the tenants, there was no oral and documentary evidence. The Rent Controller, taking into consideration the oral and documentary evidence produced by the landlord, ordered eviction. Aggrieved over the same, the tenants preferred an appeal in R.C.A.No.619 of 2006 on the file 7th Judge, Court of Small Causes, Chennai and the Rent Control Appellate Authority also confirmed the order of eviction passed by the Rent Controller and dismissed the appeal. Aggrieved over the concurrent findings of the Courts below, the tenants have filed the above Civil Revision Petition.

4. Heard Mr.P.Hari Babu, learned counsel appearing for the petitioners and Mr.G.Jeremiah, learned counsel for the respondent.

5. On a careful consideration of the materials available on record and the submissions made by the learned counsel on either side, it could be seen that the petition premises, which is situated in the heart of the City (i.e.) Walltax Road, Chennai, was leased out to the petitioners' father as early as in the year 1950 on a monthly rent of Rs.20/-. At present, the tenants are paying a monthly rent of Rs.200/-. When the premises was leased out to the tenants' father as early as in the year 1950, now, the age of the building is nearly 70 years, therefore, the condition of the building cannot be brushed aside as contended by the tenants. P.W.1 and P.W.2 also spoke about the condition of the building. According to them, the condition of the building was not good. When the R.C.O.P. was filed in the year 2005 and after a lapse of nearly 14 years, the condition of the building would have further deteriorated. It is needless to say that for ordering eviction on the ground of demolition and reconstruction, it is not necessary that the only criteria for ordering the petition is with regard to the condition of the building. Even for better investment, the landlord can seek for demolition and reconstruction. The demised premises need not be in a dangerous condition and unfit for habitation for ordering of eviction to be passed on the ground of demolition and reconstruction. When the building is situated in the heart of the City and when the landlord is getting only a sum of Rs.200/- per month, even for better investment, he can seek for demolition and reconstruction. More so, when the age of the building is nearly 70 years, the tenants have not let in contra evidence to support their case. The Courts below, taking into consideration the oral and documentary evidence, rightly ordered eviction on the ground of demolition and reconstruction. I do not find any error or irregularity in the order passed by the Courts below. The Civil Revision Petition

is devoid of merits and the same is liable to be dismissed.

6.I grant two months time from today (i.e.) 26.11.2019, to the petitioners/tenants to vacate and hand over vacant possession to the respondent/landlord.

7.With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

va

To

1.The VII Judge,
Small Causes Court, Chennai.

2.The XV Judge,
Small Causes Court,
Chennai.

Copy To

The Registrar,
Small Causes Court,
Chennai.

+1cc to Mr.G.Jermiah, Advocate, S.R.No. 99194 (13/03/2020)

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and M.P.No.1 of 2013

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NMI (CO)
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