

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRP NO.4713 OF 2013 and
M.P.No.1 of 2013

M.Mohan Revision Petitioner

Vs.

M.S.Amirthalingam Respondent

Prayer: Civil Revision Petition filed under Section 25 of Tamilnadu Building Lease and Rent Control Act 18/1960 as amended by Act 23/1973 and Act.1/1980 against the orders passed in R.C.A.No.11 of 2012 dated 18.02.2013 by the Principal Sub Judge, Rent Control Appellate Authority, Erode confirming the order dated 21.06.2011 passed in RCOP No.17 of 2008 by the Principal District Munsif, Rent Control Court, Erode.

For Revision Petitioner : Mr.V.Reghunathan,
for Mr.S.Dhanasekaran

For Respondent : M/s Zeenath Begum

ORDER

Revision Petition filed against the concurrent findings of the courts below in R.C.A.No.11 of 2012 dated 18.02.2013 by the Principal Sub Judge, Rent Control Appellate Authority, Erode and in RCOP No.17 of 2008 dated 21.06.2011 by the Principal District Munsif, Rent Control Court, Erode.

2. The brief facts leading to file a petition in RCA No.11 of 2012 is as follows. The revision petitioner is a tenant under the respondent and he paid monthly rent of Rs.6,000/- and subsequently, committed wilful default in paying monthly rent from the month of November 2007 till September 2008. Further, the revision petitioner also using the building for some other purpose by different users. Hence, the respondent herein filed an application before the rent controller seeking vacant possession of the property from the petitioner herein.

3. The respondent/revision petitioner resisted the case of the land lord before the trial court.

4. The trial court found that the revision petitioner used the building for some other purpose. The first appellate court also confirmed the findings of the trial court. Aggrieved over the said orders, the revision petitioner came up with this revision.

5. Both the courts below factually arrived a conclusion that the revision petitioner deliberately committed wilful default in paying monthly rent. Besides, he has also used the building for some other purposes, than the purpose which was let out. This court do not find any infirmity on the orders passed by the trial court as well as the first appellate court. Hence the petition is dismissed.

6. In the result,

(i) The Civil Revision petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

(ii) The orders passed in R.C.A.No.11 of 2012 dated 18.02.2013 by the Principal Sub Judge, Rent Control Appellate Authority, Erode and in RCOP No.17 of 2008 dated 21.06.2011 by the Principal District Munsif, Rent Control Court, Erode are upheld.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mst
To

1. The Principal Sub Judge,
Rent Control Appellate Authority,
Erode.

2. The Principal District Munsif,
Rent Control Court, Erode.

3. The Section Officer,
V.R.Section, High Court, Madras.

+1 cc to M/s.Zeenath Begum, Advocate SR.No.10485

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CSL/14.03.2019