

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(NPD).No.1142 of 2019

and

C.M.P.Nos.9946 & 7388 of 2019

K.Ganesan

..Petitioner/Tenant

Vs

Rajeswari

..Respondent/Landlord

This Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 as amended by Act XXIII of 1973 and By Act 1 of 1980 to call for the records of the learned Appellate Authority cum Subordinate Judge, Thiruvavur and set aside the order dated 25.01.2019 and passed in RCA.No.7 of 2017, thereby confirming the order dated 18.07.2017, passed in R.C.O.P.No.5 of 2015, on the file of the Rent Controller cum District Munsif, Thiruvavur.

For Petitioner : Mr.T.Srinivasaraghavan
For Respondent : Mr.Pragasam

ORDER

The tenant is the revision petitioner in the above Civil Revision Petition. The revision petition is filed challenging the concurrent orders of the authorities below holding that the tenant is in willful default of the rents. The Courts below have held that if the rent had been paid, no proof had been forthcoming from the tenant.

The said order is taken up by way of revision to this Court and the

only ground that has been put forward is that the landlord has not entered into the witness box. However, there is no explanation on the default that has been committed.

2 Considering the fact that the two Courts below have concurrently held against the tenant in respect of the petition for eviction on the ground of willful default. This Court is not inclined to interfere with the finding of the Courts below.

3 However, considering the fact that the tenant has been in willful default in respect of the petition premises from 2013, the tenant has granted six months time for vacating the suit premises and shall also clear the arrears and continue to pay the rents without any default. The revision petitioner shall file an affidavit of undertaking on 03.06.2019.

4 In the result, the Civil Revision Petition is disposed of on the above lines. No costs. Consequently, connected miscellaneous petitions are also closed.

dua

30.04.2019

P.T.ASHA, J.

dua

Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order
To

- 1.The Rent Controller cum District Munsif,
Thiruvrur.
- 2.The learned Appellate Authority cum Subordinate Judge,
Thiruvrur.

CRP.(NPD).No.1142 of 2019
and
C.M.P.Nos.9946 & 7388 of 2019



30.04.2019

WEB COPY