

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

C.R.P.(NPD).Nos.1282 & 1283 of 2014
and
M.P.No.1 of 2014

Durairaj

... Petitioner in
both C.R.Ps.

Vs.

Parvathi @ Geetha

... Respondent in
both C.R.Ps.

Prayer in C.R.P.(NPD).No.1282 of 2014: Civil Revision petition is filed under Section 25 of the TamilNadu Building (Lease and Rent Control) Act, to set aside the Fair and Final order passed in R.C.A.No.04 of 2010 on the file of Rent control Appellate Authority Sub Court, Mannargudi in R.C.O.P.No.01 of 2009 dated 19.03.2010 on the file of learned Rent Controller (District Munsif) Thiruthuraipoondi.

Prayer in C.R.P.(NPD).No.1283 of 2014: Civil Revision petition is filed under Section 25 of the TamilNadu Building (Lease and Rent Control) Act, to set aside the Fair and Final order passed in R.C.A.No.06 of 2010 dated 30.01.2014 on the file of Rent Control Appellate Authority, Sub Court, Mannargudi in R.C.O.P.No.03 of

2009 on the file of learned Rent Controller (District Munsif) Thiruthraipoondi.

For Petitioner : Mrs.P.T.Rama Devi
in both C.R.Ps.

For Respondent : Mr.S.Sadasivan
in both C.R.Ps.

COMMON ORDER

C.R.P.(NPD).No.1282 of 2014 is filed against the fair and final order dated 30.01.2014 in R.C.A.No.04 of 2010 in R.C.O.P.No.03 of 2009 passed by the Subordinate Judge, Mannargudi

2.C.R.P.(NPD).No.1283 of 2014 is filed against the fair and final order dated 30.01.2014 in R.C.A.No.06 of 2010 in R.C.O.P.No.01 of 2009 passed by the Subordinate Judge, Mannargudi.

3.These Petitions arise out two rent control proceedings initiated before the Rent Controller (District Munsif), Thiruthuraipoondi in R.C.O.P.No.1 of 2009 and R.C.O.P.No.3 of 2009.

4.The Petitioner is the tenant who lost both the cases. The petitioner had filed R.C.O.P.No.1 of 2009 on 10.06.2009 under Section 8 (5) of the TamilNadu Buildings (Lease and Rent Control) Act, 1960 to deposit the monthly rent into court from April 2009 onwards. The respondent/landlord lady had filed R.C.O.P.No.3 of 2009 under Section 10(2)(i) of the TamilNadu Buildings (Lease and Rent Control) Act, 1960 to evict the petitioner and under Section 10 (3)(c) TamilNadu Buildings (Lease and Rent Control) Act, for willful default of rent by the petitioner for the period of 47 months.

5.After the considering the merits of the case, the Rent Controller dismissed the R.C.O.P.No.1 of 2009 filed by the petitioner for depositing rent and allowed the R.C.O.P.No.03 of 2010 filed by the respondent landlord lady for eviction of the petitioner.

6.Aggrieved by the same, the petitioner preferred the R.C.A.Nos.06 & 04 of 2010 respectively before the Subordinate Judge, Mannargudi. After the considering the arguments of the counsels on behalf of the both parties, the Subordinate Judge dismissed the respective R.C.As.

7. Aggrieved by the same, the petitioner/tenant has filed the present Civil Revision Petitions to set aside the same. The learned counsel for the petitioner has made elaborate submissions and laid emphasis on the fact that R.C.O.P.No.03 of 2009 was filed by the respondent subsequent to R.C.O.P.No.01 of 2009 filed by the petitioner.

8. R.C.O.P.No.03 of 2009 was allowed by observing that the petitioner paid the rent till 2005 after the demise of the respondent's husband. However, after 2005, there is no proof that the petitioner has paid rent. According to the petitioner, the respondent failed to issue receipt after 2005.

9. Per contra, the learned counsel for the respondent/landlord lady submits that the Subordinate Judge has correctly decided both issues against the petitioner and therefore there is no ground to interfere with the order of the lower Court.

10. The learned counsel for the respondent further submits that there is no proof that the petitioner had paid rent. In any event, the petitioner ought to have complied with the requirements

of Section 8 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. Though the respondent had asked for eviction on the ground of willful default and additional accommodation, eviction was ordered on both counts. The petitioner ought to have been vigilant in getting rental receipt if what he states was true. The fact that he got rental receipt till 2005 has not been disputed. Therefore, in absence of rental receipt after 2005 raises a presumption that the petitioner was not paying rent after 2005 and made an attempt only in 2009 to pay through post. Further in paragraph 15 of the impugned order, it has been observed as follows:-

15. It is also to be seen that the tenant has not only committed willful default during the period, stated in the Eviction Petition and is also continuously committing the same all these years, during the pendency of R.C.O.P and R.C.A. The very conduct of the tenant in keeping the rent for continuous period of 47 months, commencing from 01.06.2005 to 30.04.2009 would show that his conduct coupled with willfulness in not paying the rent is obvious and liable for eviction. In fact, the tenant has not paid the rent, even after filing of this Appeal.

C.SARAVANAN, J.

jen

11.Even during the pendency of the present Civil Revision Petition no such attempt was made. There are no legal grounds to interfere with the impugned orders passed by the courts below. I find no merits in the present Civil Revision petitions.

12.In view of the observations, the present Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.03.2019

Index :Yes/No
Internet :Yes/No
jen

To

1.Rent Controller (District Munsif)
Thiruthuraipoondi.

2.Rent control Appellate Authority
(Subordinate Judge)
Mannargudi.

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

C.R.P.(NPD).Nos.1282
& 1283 of 2014
and
M.P.No.1 of 2014