

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

C.R.P.(NPD) No.1938 of 2019 and  
C.M.P.No.12704 of 2019

S.Siluvai Michael

... Petitioner

Vs.

S.Tamil Selvi

... Respondent

Prayer: Petition filed under Section 25 of the Tamil Nadu (Lease and Rent Control) Act 18 of 60, praying to set aside the Judgment and Decree dated 25.04.2019 made in R.C.A.No.72 of 2017 on the file of VII Court of Small Causes, Chennai confirming the order and decretal order dated 30.11.2016 made in R.C.O.P.No.463 of 2015 on the file of XII Court of Small Causes Court at Chennai.

For Petitioner : Mr.N.S.Manoharan

For Respondent : Mr.P.Prince Prem Kumar

**ORDER**

This revision petition has been filed against the concurrent judgments given by the Rent Control as well as the Rent Control Appellate Authority in R.C.O.P.No.463 of 2015 on the file of the XII Court of Small Causes, Chennai dated 30.11.2016 and in R.C.A.No.72 of 2017 on the file of the VII Court of Small Causes Court, Chennai

dated 25.04.2019.

2.The learned counsel appearing for the revision petitioner would submit that, the landlord is in occupation of another portion of the very same building, therefore, if at all he wants the present premises, which is in question, the plea could have been raised by him only for additional accommodation and not for owner's occupation. Therefore, on that ground, the RCOP ought not to have been allowed and the appeal ought not to have confirmed the order passed by the Rent Controller.

3.The learned counsel would also urge yet another ground that, the landlord is not at all the owner of the building.

4.Both grounds raised by the learned counsel for the revision petitioner are contra to each other, since on the one hand the revision petitioner raised a ground that, the respondent ought to have asked for additional accommodation and not for owner's occupation, on the other ground he urged that, he is not an owner. In view of the self contradiction in both the grounds urged by them, in the considered

opinion of this Court, those are not worthy to be considered.

5.The Hon'ble Supreme Court, in number of judgments, have repeatedly held that, in the matter of Rent Control issues, when both Courts concurrently held on factual aspects, the question of re-appreciation does not arise and therefore, under the revisional jurisdiction especially under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, such a power of re-appreciation of evidence, of the High Court is almost nil.

6.In that view of the matter, this Court feels that, there is no acceptable ground available for this Court to interfere with the Judgments made by the Rent Controller as well as the Rent Control Appellate Authority, who have made concurrent findings and accordingly, this revision fails and hence, it is dismissed.

7.The revision petitioner is hereby given six months time to vacate the premises and handover the vacant possession of the subject premises to the respondent/landlord.

8.With these directions, this Civil Revision Petition is dismissed.

No costs. Consequently, connected Miscellaneous Petition is also dismissed.

07.11.2019

Index : Yes / No

Speaking Order : Yes / No  
Sgl

To

1.VII Court of Small Causes,  
Chennai.

2.XII Court of Small Causes,  
Chennai.

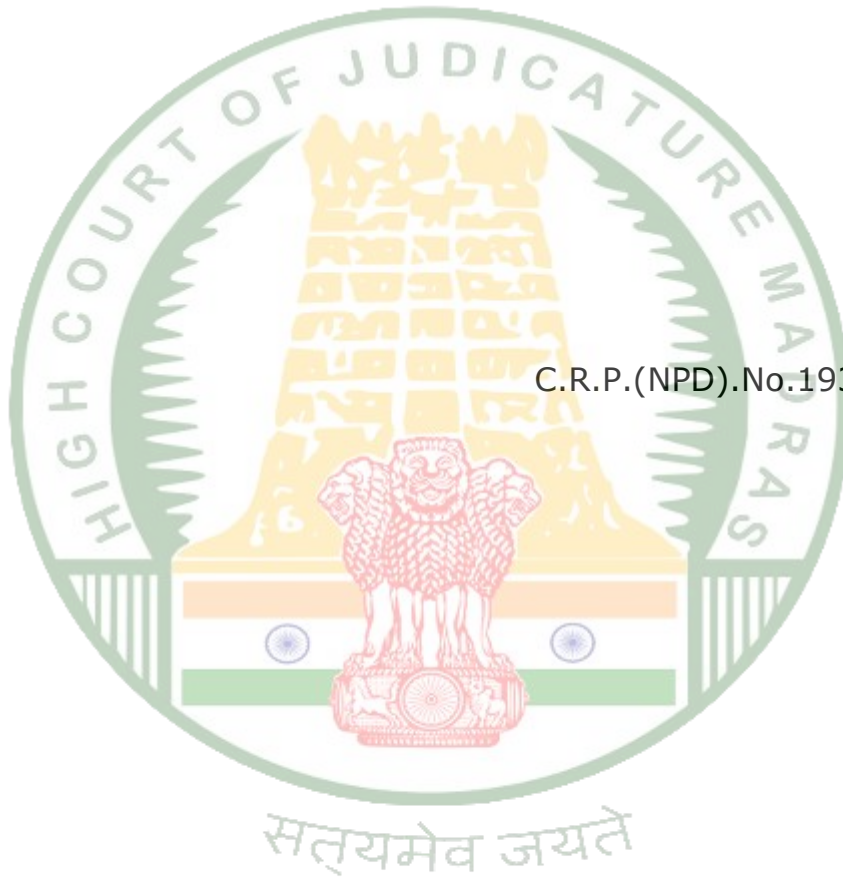


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R.SURESH KUMAR, J.

Sgl



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