

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

CRP (PD)No.1680 of 2014

and

M.P. No.1 of 2014

S.H. Mansur Ahamad

...

Petitioner

Vs

S. Arun Kumar

...

Respondent

Civil Revision Petition filed under Article 227 of Constitution of India against the order dated 06.11.2013 made in R.C.A. No.9 of 2012 on the file of the Principal Sub Court, Rent Control Appellate Authority, Salem against the order dated 03.08.2009 made in I.A. No.16 of 2010 in R.C.O.P. No.66 of 2009 on the file of the Rent Controller, Principal District Munsif, Salem.

For petitioner : Mr.M.Guruprasad

For respondent : No appearance

ORDER

The instant Civil Revision Petition has been filed challenging the order dated 06.11.2013 passed in RCA No.9 of 2012, confirming the order of the learned Rent Controller, dated 10.08.2012 passed in I.A. No.16 of 2010 in R.C.O.P. No.66 of 2009.

2. Brief facts leading to the filing of the instant Revision Petition are as follows :-

The revision petitioner is the tenant. The respondent filed RCOP No.66 of 2009 before the learned Rent Controller, Salem claiming to be the owner of the property being the Door No.183 / 5 / Ground Floor, Terrace Building II Agraharam, Salem Town, Salem and he sought for eviction of the petitioner, who is a tenant under him in respect of the aforesaid premises. A counter statement was also filed by the revision petitioner herein before the learned Rent Controller stating that the respondent's mother was the landlord and not the respondent. Further, it has been stated that in a suit filed by the petitioner in O.S.No.262 of 2009 before the learned I Additional Munsif Court, Salem against the respondent's mother seeking for an injunction restraining the respondent's mother from evicting the revision petitioner herein except by due process of law, the petitioner had deposited the entire arrears of rent to the credit of the said suit. Therefore, according to the petitioner, there is no locus-standi for the respondent to initiate the eviction proceedings in RCOP No.66 of 2009.

b) During the pendency of RCOP No.66 of 2009, the respondent filed an application under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, seeking for a direction to direct the petitioner to deposit Rs.24,000/- (March 2008 to February 2009) being the arrears of rent payable within the

stipulated time, failing which the Court may be directed to evict the petitioner from the said premises. The petitioner also filed a counter in I.A. No.16 of 2010 reiterating the contents of the counter filed by him in the main RCOP, viz RCOP No.66 of 2009. The learned Rent Controller, by order dated 10.08.2012 passed in I.A. No.16 of 2010, granted the relief to the respondent by allowing the said I.A. and the petitioner was directed to pay the arrears of rent to the respondent, within a period of one month from the date of receipt of a copy of the said order. Aggrieved by the order, dated 10.08.2012 passed in I.A.No.16 of 2010, the petitioner preferred an appeal before the learned Rent Control Appellate Authority in RCA No.9 of 2012. By order dated 06.11.2013, the Rent Control Appellate Authority confirmed the order of the learned Rent Controller dated 10.08.2012 passed in IA No.16 of 2010. Aggrieved by the dismissal of the RCA No.9 of 2012, the instant Civil Revision Petition has been filed.

3. Heard Mr.M.Guruprasad, learned counsel for the petitioner. There is no representation on the side of the respondent, even though a learned counsel has entered appearance as seen from the cause list.

4. The learned counsel for the petitioner submits that the petitioner has paid the entire arrears of rent, which is payable to the respondent's mother, who is the actual landlord and not the respondent. According to him, the said arrears of rent were deposited to the credit of the suit in O.S. No.262 of 2009 on the file

of the learned I Additional District Munsif, Salem. This being the case, according to him, no arrears of rent is payable for the tenancy in respect of the property in which the petitioner is the tenant. Further, according to him, the respondent does not have any locus-standi to file the Rent Control Original Petition, as he is not the landlord.

5. This Court has perused and examined the order dated 10.08.2012 passed by learned Rent Controller in I.A. No.16 of 2010 in R.C.O.P.No.66 of 2009, directing the petitioner to deposit the arrears of rent within a period of one month from the date of receipt of a copy of the order. Even though it has been submitted before this Court by the learned counsel for the petitioner that the entire arrears of rent had been deposited to the credit of suit in O.S. No.262 of 2009, no document in support of the said submission had been filed by the petitioner before the learned Rent Controller or even before this Court. Even though the CRP is of the year 2014, no permission has been sought for by the petitioner to file additional documents to show that the petitioner had paid the entire arrears of rent, as claimed by him in his counter statement filed before the Rent Controller. Both the learned Rent Controller and the Rent Control Appellate Authority have taken note of this fact and only thereafter, the respective authorities have passed the order in the Rent Control Original Petition as well as in the Rent Control Appeal. Since both the courts below have concurrently held that the petitioner has not been able to establish that he has paid the entire

arrears of rent and being a correct decision, based on materials available on record, this Court cannot now re-appreciate the evidence, as there is no infirmity in the orders passed by the courts below.

6. In the result, there is no merit in this revision petition. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.06.2019

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

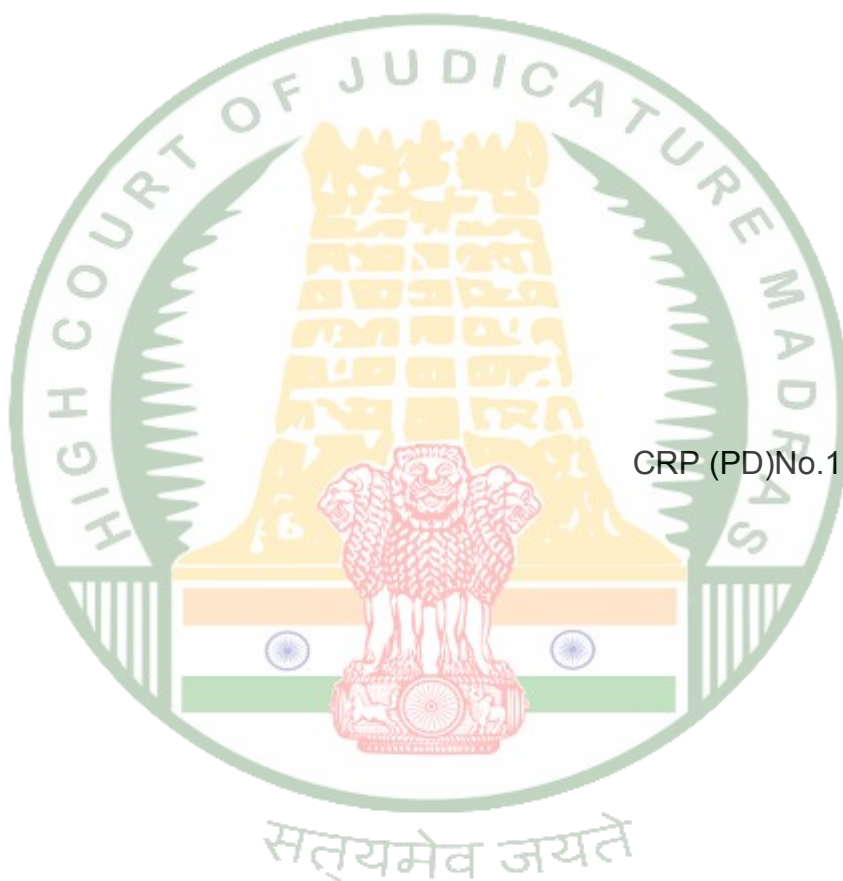
1. The Principal Sub Court, Rent Control Appellate Authority, Salem
2. The Principal District Munsif, Salem.

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ABDUL QUDDHOSE, J.

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07.06.2019

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