

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

C.R.P.No.3410 of 2019 and C.M.P.No.22398 of 2019

Kala ... Petitioner/Petitioner

-Vs-

Mallika ... Respondent/Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India, against the fair and decreetal order dated 30.08.2019 passed in M.P.No.415 of 2019 in R.C.A.No.249 of 2019 on the file of the Hon'ble VII Small Causes Court reversing the order passed in R.C.O.P.No.1139 of 2017, on the file of the learned XIII Small Causes Court, Chennai.

For Petitioner : Mr.R.Krishnan

For Respondent : Mr.R.Tirugnanam (for caveator)

O R D E R

This revision has been filed against the fair and decreetal order dated 30.08.2019 passed in M.P.No.415 of 2019 in R.C.A.No.249 of 2019 on the file of the VII Small Causes Court.

2. Before the Rent Control Court, the revision petitioner is the tenant, against whom the respondent / landlord filed R.C.O.P.No.1139 of 2017 for eviction on two grounds ie., wilful default and denial of title. The said R.C.O.P., was allowed, as against which the revision petitioner seems to have filed the present M.P.No.415 of 2019 in R.C.A.No.249 of 2019 to stay the operation of the eviction order passed in R.C.O.P.No.1139 of 2017. The Rent Control Appellate Authority, after hearing both sides, allowed the said M.P., filed by the revision petitioner and granted an interim order of stay, of course on condition of payment of Rs.2,15,400/- being the rental arrears. Aggrieved over the said conditional order passed by the Rent Control Appellate Authority, the present revision has been filed by the tenant / revision petitioner.

3. Heard Mr.R.Krishnan, learned counsel for the revision petitioner and Mr.Tirugnanam, learned counsel for the respondent, who entered appearance through caveat, and also perused the materials placed before this Court.

4. The very scope of the present revision is as to whether, the conditional order passed by the Rent Control Appellate Authority, directing the revision petitioner / tenant to deposit a sum of Rs.2,15,400/-, is justifiable or not.

5. I have gone through the order passed, which is impugned herein, where the learned Judge has granted an interim order of stay, of course on condition of payment of arrears of rent to the tune of Rs.2,15,400/-, which shall be deposited. The learned Judge has not even directed the said amount to be paid to the respondent / landlord. Whatever be the dispute between the petitioner and the respondent, whether the respondent is the owner of the building or not, are the matters to be decided in the rent control appeal proceedings and in order to testify the bonafide on the part of the revision petitioner / tenant, the said conditional order was passed to deposit only the arrears of rent and therefore, the revision petitioner cannot take any exemption from paying the very arrears, that too by way of deposit into the lower Court account. Therefore, this Court feels that the order impugned herein is fully justifiable and sustainable and it does not require any interference from this Court.

6. In result, the Civil Revision Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Insp Cell)

//True Copy//

Sub Assistant Registrar

KST

To

1.VII Judge, Small Causes Court, Chennai.

2.XIII Judge,
Small Causes Court,
Chennai.

+1cc to Mr.R.Thrugnanam, Advocate, S.R.No. 89776

C.R.P. No.3410 of 2019

SJ(CO)
GN(28/11/2019)