

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2019

CORAM :

THE HON'BLE MS. JUSTICE P.T.ASHA

C.R.P. (NPD) No.4 of 2017

and

C.M.P. No.12 of 2017

M.S.Ravi

... Revision Petitioner

Vs.

The Secretary,
Bishop House,
Salem Diocese Society,
Salem – 636 007.

... Respondent

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Building and Rent Control Act, 1960, to set aside the fair and final orders dated 14.11.2014 in R.C.A.No.13 of 2014 on the file of the Rent Control Appellate Tribunal (Principal Subordinate Judge, Salem) confirming the fair and final orders dated 21.07.2014 in R.C.O.P.No.52 of 2009 on the file of the Rent Controller of Salem (Principal District Munsif).

For Petitioner : Mr.R.Nalliyappan

For Respondent : No appearance

ORDER

The above Civil Revision Petition has been filed, challenging the concurrent order of eviction passed by the Principal Subordinate Judge,

Salem (Rent Control Appellate Authority) in R.C.A. No.13 of 2014, confirming the order passed by the Principal District Munsif (Rent Controller), Salem, in R.C.O.P. No.52 of 2009.

2.The above rent control proceedings in R.C.O.P. No.52 of 2009 had been preferred by the respondent/landlord against the revision petitioner, contending that the revision petitioner was a willful defaulter of rent for the period from May 2005 to September 2008 and as on the date of filing the rent control petition, the total arrears that was due, was a sum of Rs.1,07,065. The defence in the above rent control petition was that, on account of sudden ill health of the respondent therein/tenant and since, the purchasers had not paid the amount due to the tenant, the tenant was not able to pay the agreed rent. Therefore, the revision petitioner/tenant has admitted the default. Taking note of this admission, the Rent Controller passed an order dated 21.07.2014, allowing the rent control petition and granted two months time for the tenant to vacate and hand over the vacant possession of the premises to the respondent. The said order was taken on appeal in R.C.A. No.13 of 2014 and the Appellate Authority also confirmed the order, passed by the Rent Controller.

3.Challenging this concurrent order of eviction, the revision petitioner/tenant is before this Court.

4. On 10.01.2017, this Court was pleased to pass an order of interim stay on condition that the revision petitioner deposits 50% of the rental arrears to the credit of R.C.A. No.13 of 2014 within a period of eight weeks, failing which, it was made clear that the interim stay would stand automatically vacated.

5. Today, when the matter was taken up for hearing, the learned counsel appearing on behalf of the petitioner would inform that the said order has not been complied with. Considering the fact that the tenant has admitted the default and the default continues upto date, there are no merits in the revision petition.

Therefore, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.02.2019

Index : Yes / No
Internet : Yes / No
Speaking order / Nonspeaking order

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P.T.ASHA, J.

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