

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2019

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THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP(NPD).No.3812 of 2018

and

CMP.Nos. 21197 of 2018 & 3193 of 2019

Mr.P.R.Senthil Kumar

.. Petitioner/Tenant

Vs

Rama Vasudevan

..Respondent/LandLord

Civil Revision Petition filed under Article 227 of the Indian Constitution to set aside the fair and decreetal order of the learned Judge dated 31.08.2018 passed M.P.No.180 of 2018 in R.C.A.No.199 of 2016 on the file of VII Judge, Small Causes Court, Chennai.

For Petitioner : Mr.N.Alagu Narayanan

For Respondent : Mr.S.Arthi
Caveator Counsel

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ORDER

The above Civil Revision Petition is filed challenging the order passed by the Rent Control Appellate Authority (VIII Small Causes Judge, Chennai) in M.P.No.180 of 2018 in R.C.A.No.199 of

2018. The said M.P has been filed by the land lady, the respondent

herein to direct the respondent therein/petitioner herein to pay the rental arrears of Rs.2,93,500/-, and to continue to pay the rents month after month, during the pendency of the appeal.

2 The facts in brief necessary to dispose of the above Civil Revision Petition as follows:

The respondent herein is the owner of the premises, which is a residential house, consisting a ground, first floor, the demised premises was a portion of the first floor.

3 It is the case of the land lady that the respondent was a tenant on monthly rental of Rs.18,500/- exclusive of the electricity consumption charges. She had approached the Rent Controller seeking eviction of the revision petitioner on the ground of willful default of the rent from the period of March 2013 to May 2013 in R.C.O.P.No.1469 of 2014, on the file of the XV Small Causes Judge, Chennai. The arrears of rent on the date of the filing of the Rent Control Petition was for the period March 2013 to July 2013. The learned Rent Controller ordered eviction after coming to the conclusion that the tenant/revision petitioner has committed a willful default on the payment of rents. Challenging the said order, the tenant has filed RCA.No.199 of 2016, on the file of the appellate Authority, VIII Small Causes Judge, Chennai.

4 Pending the said RCA.No.199 of 2016, the land lady has come forward with a miscellaneous petition seeking a direction to the respondent to deposit the arrears of rent of Rs.2,93,500/- and to continue to pay the monthly rent. The respondent had filed a counter, wherein for the first time he had taken out the defence that the rent payable was only a sum of Rs.17,000/- and not Rs.18,500/-, as contended by the land lady. He had further contended that he had deposited a sum of Rs.95,000/-, pursuant to the conditional order of stay in the appeal and earlier he had paid a sum of Rs.3,49,650/-, and he also under took to continue to pay the rental arrears. Pending the miscellaneous petition, the revision petitioner had paid a sum of Rs.1,00,000/- on January 2015 to July 2018, he had paid the rents for the months of March 2015 to June 2018 calculated at the rate of Rs.18,500/- deducting 10% TDS and he had deposited a sum of Rs.6,66,000/-. Even according to his own calculation, there was a balance of Rs.2,16,450/-. The details of the arrears were enclosed along with memo dated 03.07.2018. To the said memo, the land lady had filed her objections, wherein, she would contend that the total rent payable for 64 months calculated from March 2013 to June 2018 was a sum of Rs.11,84,000/-and after giving credit of Rs.8,90,650/-, paid by the tenant, a sum of Rs.2,93,250/- was still payable. The land lady had further stated

that though the he had deducted TDS, the proof of payment was not given or handed over by the revision petitioner.

5 The Appellate Authority, after a detailed enquiry, by order dated 31.08.2018, was pleased to direct the respondent to pay a sum of Rs.1,93,350/-, to the petitioner or to deposit the same to the credit of the RCA.No.199 of 2016, on or before 14.09.2018, failing which, all proceedings in the RCA.No.199 of 2016 was directed to be stayed and eviction was to follow.

6 It is informed by the learned counsel that though the order directed the revision petitioner to pay or deposit the amount on before 14.09.2019, the same has not been complied with and it was only on 03.11.2018 that a sum of Rs.1,54,000/- was deposited as against the sum of Rs.1,93,350/-, directed by the Appellate Authority, further the rent has not been paid. Considering the fact that right through the proceedings, the revision petitioner/tenant has committed a default in the payment of rents and making payments in lumpsum, it is clear that the tenant has committed a willful default of the payment of rents and no indulgence can be shown to him.

7 The revision challenging the order in M.P.No.180 of 2016 lacks merits and this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

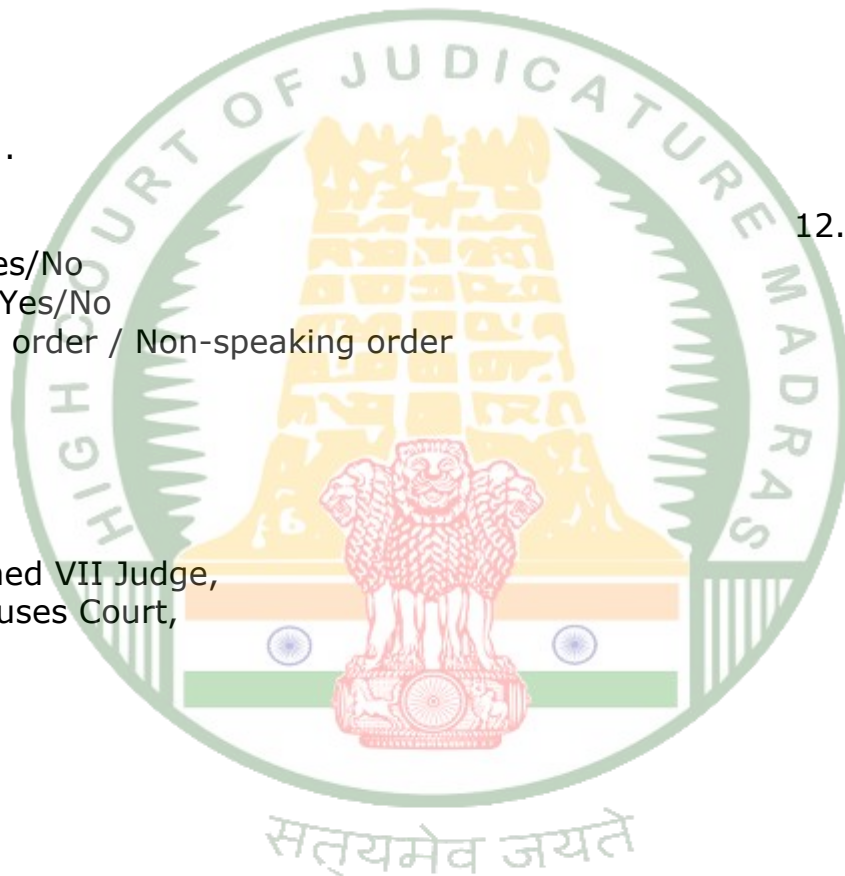
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Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

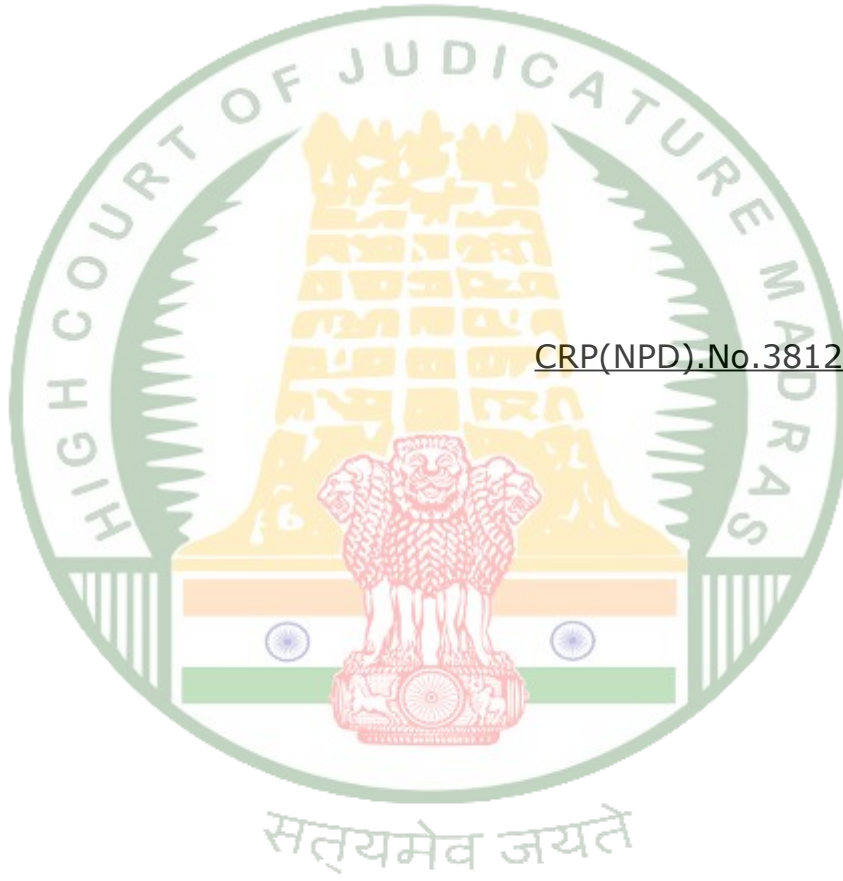
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To

The learned VII Judge,
Small Causes Court,
Chennai.



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