



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

C.R.P.(NPD)(MD).No.1269 of 2011

M.P.(MD).No.1 of 2011

Punithavathi .. Petitioner/Tenant

Vs.

Singaravelu .. Respondent/Landlord

Prayer: Civil Revision Petition filed under Section 25 of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960, against the judgment and decree dated 25.11.2010 passed in R.C.A.No.4 of 2009 on the file of Principal Subordinate Judge, Rent Control Appellate Authority, Kumbakonam reversing the Judgment and decree, dated 22.02.2008 passed in R.C.O.P.No.11 of 2006 on the file of the Principal District Munsif, Rent Controller, Kumbakonam.

For Petitioner: Mr.Lakshmi Shankar for Mr.T.V.Sivakumar

For Respondent: Mr.B.Jameel Arasu for Mr.S.Balakumar

ORDER

This revision petition is filed by the tenant who is the petitioner before the Rent Controller in R.C.O.P.No.11 of 2006. The petitioner filed the petition under Section 8(5) of Tamilnadu Buildings (Lease and Rent Control) Act for deposit of rent.

2.Stating that the respondent/landlord has refused to receive the rent, the revision petitioner came forward with a petition for deposit of rent before the Rent Controller. It is admitted that the petitioner has paid rent to the respondent till June 2006. Since the tenant refused to receive the rent for the month of July 2006, it is stated that the tenant is entitled to deposit the rent in the Court. During the course of proceedings, it is established that the tenant filed the petition after sending the money order to the landlord. However, it is also admitted by the tenant that the revision petitioner had not requested the landlord to name the bank before sending the money by money order. Hence, the mandatory requirements to invoke Section 8(5) of Rent Control Act is not satisfied by the tenant. Though the Rent Controller accepted the case of the revision petitioner and allowed the petitioner to deposit the rent into the Court, the Lower Appellate Court after holding that the tenant / revision



petitioner had not followed the mandatory requirement of Section 8 (5) of Tamilnadu Lease and Rent Control Act, allowed the appeal and dismissed the petition filed by the revision petitioner. This Court is unable to find any illegality or irregularity in the order of the lower Court. Under the Tamilnadu Buildings (Lease and Rent Control) Act, the tenant is liable to tender the rent without request. The privilege of the tenant to seek deposit of rent can be permitted only if the tenant satisfy all the ingredients. The lower Appellate Court, after considering the evidence, allowed the appeal by properly applying the law and principles. Hence, this Court find no merits in the revision petition.

3. Accordingly, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Rent Control Appellate Authority / Principal Sub Judge,
Kumbakonam.

2. The Rent Controller / Principal District Munsif, Kumbakonam.

Copy to

The Section Officer, -2 copies
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.JAMEELARASU, Advocate (SR-81713[F] dated
14/08/2019)

+1 CC to M/s.T.V.SIVAKUMAR, Advocate (SR-81663[F] dated
14/08/2019)

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