



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2019

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

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C.R.P(MD)No.2198 of 2012 and M.P(MD)No.1 of 2012

C.R.P(MD)No.2463 of 2012 and M.P(MD)No.2 of 2012

C.R.P(MD)No.2464 of 2012 and M.P(MD)No.2 of 2012

C.R.P(MD)No.2467 of 2012 and M.P(MD)No.2 of 2012

AND

C.R.P(MD)No.2468 of 2012 and M.P(MD)No.2 of 2012

C.R.P(MD)No.2198 of 2012:

Arumugam

... Petitioner/
Appellant/Respondent/Tenant

Vs.

Asuntha Jasmine

... Respondent/
Respondent/Petitioner/Landlord

Prayer : Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the order dated 13.07.2012 passed in R.C.A.No.11 of 2012 on the file of the Rent Control Appellate Authority/Sub Court, Devakottai, in confirming the order dated 31.03.2011 passed in R.C.O.P.No.6 of 2010 on the file of the Rent Controller/District Munsif Court, Devakottai.

For Petitioner : Mr.AL.Kannan

For Respondent : Mr.R.Sundar Srinivasan

C.R.P(MD)No.2463 of 2012:

Vedamuthu

... Petitioner/
Appellant/Respondent/Tenant

Vs.

Asuntha Jasmine

... Respondent/
Respondent/Petitioner/Landlord

Prayer : Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the order dated 13.07.2012 passed in R.C.A.No.9 of 2012 on the file of the Rent Control Appellate Authority/Sub Court, Devakottai, in confirming the order dated 31.03.2011 passed in R.C.O.P.No.2 of 2010 on the file of the Rent Controller/District Munsif Court, Devakottai.



For Petitioner : Mr.AL.Kannan
For Respondent : Mr.R.Sundar Srinivasan

C.R.P (MD)No.2464 of 2012:

Balu

... Petitioner/
Appellant/Respondent/Tenant

Vs.

Asuntha Jasmine

... Respondent/
Respondent/Petitioner/Landlord

Prayer : Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the order dated 13.07.2012 passed in R.C.A.No.10 of 2012 on the file of the Rent Control Appellate Authority/Sub Court, Devakottai, in confirming the order dated 31.03.2011 passed in R.C.O.P.No.1 of 2010 on the file of the Rent Controller/District Munsif Court, Devakottai.

For Petitioner : Mr.AL.Kannan
For Respondent : Mr.R.Sundar Srinivasan

C.R.P (MD)No.2467 of 2012:

Vasuki

... Petitioner/
Appellant/2nd Respondent/Tenant

Vs.

1.Asuntha Jasmine

... 1st Respondent/
1st Respondent/Petitioner/Landlord

2.Subramani

... 2nd Respondent/
2nd Respondent/1st Respondent

Prayer : Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the order dated 13.07.2012 passed in R.C.A.No.12 of 2012 on the file of the Rent Control Appellate Authority/Sub Court, Devakottai, in confirming the order dated 31.03.2011 passed in R.C.O.P.No.3 of 2010 on the file of the Rent Controller/District Munsif Court, Devakottai.

For Petitioner : Mr.AL.Kannan
For Respondent : Mr.R.Sundar Srinivasan

C.R.P (MD)No.2468 of 2012:

Rani

... Petitioner/
Appellant/Respondent/Tenant



Vs.

Asuntha Jasmine

... Respondent/
Respondent/Petitioner/Landlord

Prayer : Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the order dated 13.07.2012 passed in R.C.A.No.8 of 2012 on the file of the Rent Control Appellate Authority/Sub Court, Devakottai, in confirming the order dated 31.03.2011 passed in R.C.O.P.No.4 of 2010 on the file of the Rent Controller/District Munsif Court, Devakottai.

For Petitioner : Mr.AL.Kannan

For Respondent : Mr.R.Sundar Srinivasan

COMMON ORDER

C.R.P(MD)No.2198 of 2012 has been filed against the order dated 13.07.2012 passed in R.C.A.No.11 of 2012 on the file of the Rent Control Appellate Authority/Sub Court, Devakottai, in confirming the order dated 31.03.2011 passed in R.C.O.P.No.6 of 2010 on the file of the Rent Controller/District Munsif Court, Devakottai.

2. C.R.P(MD)No.2463 of 2012 has been filed against the order dated 13.07.2012 passed in R.C.A.No.9 of 2012 on the file of the Rent Control Appellate Authority/Sub Court, Devakottai, in confirming the order dated 31.03.2011 passed in R.C.O.P.No.2 of 2010 on the file of the Rent Controller/District Munsif Court, Devakottai.

3. C.R.P(MD)No.2464 of 2012 has been filed against the order dated 13.07.2012 passed in R.C.A.No.10 of 2012 on the file of the Rent Control Appellate Authority/Sub Court, Devakottai, in confirming the order dated 31.03.2011 passed in R.C.O.P.No.1 of 2010 on the file of the Rent Controller/District Munsif Court, Devakottai.

4. C.R.P(MD)No.2467 of 2012 has been filed against the order dated 13.07.2012 passed in R.C.A.No.12 of 2012 on the file of the Rent Control Appellate Authority/Sub Court, Devakottai, in confirming the order dated 31.03.2011 passed in R.C.O.P.No.3 of 2010 on the file of the Rent Controller/District Munsif Court, Devakottai.

5. C.R.P(MD)No.2468 of 2012 has been filed against the order dated 13.07.2012 passed in R.C.A.No.8 of 2012 on the file of the Rent Control Appellate Authority/Sub Court, Devakottai, in confirming the order dated 31.03.2011 passed in R.C.O.P.No.4 of 2010



on the file of the Rent Controller/District Munsif Court, Devakottai.

6. For the sake of convenience, the parties are referred to as 'landlord' and 'tenants'.

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7. Brief facts necessary for the disposal of these civil revision petitions are as follows:

7.1. The landlord filed R.C.O.P.Nos.1, 2, 3, 4 and 6 of 2010 seeking to evict the tenants from the premises in question and hand over the vacant possession to her on the ground that the premises in question originally belonged to the mother of the landlord, viz., Savariamammal and the landlord inherited the same by virtue of a registered gift settlement deed dated 07.10.2009. The landlord entered into an oral agreement with the tenants and they agreed to pay the monthly rent on or before 5th day of every month. The husband of the landlord managed the premises in question and also collected the monthly rents from the tenants. Meanwhile, the landlord sent a legal notice to the tenants to inform about the payment of rent and also to pay the rents to the landlord and despite the notice sent to the tenants, neither they sent any reply nor paid the rents to the landlord and hence, filed the petitions seeking to evict them.

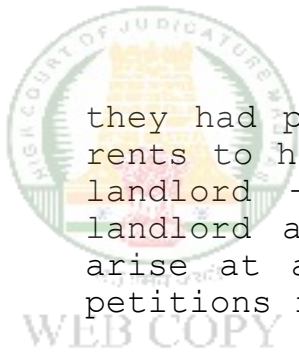
7.2. The tenants filed the counter affidavits denying the landlord - tenant relationship between them and prayed for the dismissal of the petitions.

7.3. The Rent Controller, on considering the oral and documentary evidence, found that the tenants committed a wilful default in payment of the rents to the landlord and therefore, allowed the said petitions and ordered to evict the tenants and hand over the vacant possession to the landlord within three months from the date of the order.

7.4. Aggrieved thereby, the tenants filed R.C.A.Nos.8, 9, 10, 11 and 12 of 2012 were filed and the Rent Control Appellate Authority, confirmed the order passed by the Rent Controller and dismissed all the appeals.

7.5. Challenging the same, the present Civil Revision Petitions have been filed by the tenants.

8. It is contended by the learned Counsel for the tenants that the premises in question originally belonged to the mother of the landlord, namely, Savariamammal and the petitioners were tenants of the respective buildings under her. The mother of the landlord conveyed the premises in question in favour of the landlord through a registered deed of settlement, dated 07.10.2009. Initially, the husband of the landlord collected the rents from the tenants. Since the husband of the landlord acted against the interest of the landlord, she sent a legal notice to the tenants. It is further contended by the learned Counsel for the tenants that the



they had paid the rents to him and had been continuing to pay the rents to him and there were no arrears of rent. Hence, there was no landlord - tenant relationship between the petitioners and the landlord and therefore, the question of wilful default would not arise at all and the Courts below ought not to have allowed the petitions for eviction and prayed for interference.

9. Per contra, the learned Counsel for the landlord submitted that the petitioners/tenants neither paid the rent to the husband of the landlord or to her and it is an admitted case that there was a wilful default in payment of rents from the month of January 2009 till October 2010 and the Courts below rightly ordered for eviction of the petitioners/tenants and hence, prayed for the dismissal of these revision petitions.

10. Heard both sides.

11. On a careful consideration of the materials available on record, this Court finds that there was a default in payment of rents from January 2009 till October 2010 and it is an admitted fact that the premises in question belonged to the mother of the landlord, namey, Savariammal and thereafter, the landlord had inherited the same by virtue of a registered settlement deed, dated 07.10.2009. The Courts below rightly came to the conclusion that the tenants failed to produce any documentary evidence to show that they had taken steps to deposit the rent before the Court and hence, there was a wilful default on the part of the tenants in paying the monthly rents to the landlord and they were liable to be evicted and hence, this Court is of the considered view that the order of the Rent Controller that has been confirmed by the Rent Control Appellate Authority, cannot be interfered with.

12. In the result, these Civil Revision Petitions are dismissed and it is open to the landlord to take possession of the premises in question with the assistance of the police, in the light of the decision of this Court in **Radhika Sri Hari v. Commissioner of Police, Coimbatore** reported in **2014 (2) CTC 695**. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)



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To

1.The Rent Control Appellate Authority/Sub Court,
Devakottai.

2.The Rent Controller/District Munsif Court,
Devakottai.

3. The Section Officer,
VR Section(2 copies),
Madurai Bench of Madras High Court, Madurai

+5 CC to Mr.R. SUNDAR SRINIVASAN, Advocate SR-97590, 97585, 97586,
97587, 97588

C.R.P (MD) No.2198 of 2012 and M.P (MD) No.1 of 2012

C.R.P (MD) No.2463 of 2012 and M.P (MD) No.2 of 2012

C.R.P (MD) No.2464 of 2012 and M.P (MD) No.2 of 2012

C.R.P (MD) No.2467 of 2012 and M.P (MD) No.2 of 2012

AND

C.R.P (MD) No.2468 of 2012 and M.P (MD) No.2 of 2012

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