



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2019

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

C.R.P(MD)No.2325 of 2012 and M.P(MD)No.1 of 2012

and

C.R.P(MD)No.2326 of 2012

C.R.P(MD)No.2325 of 2012:

Chandrasekaran

... Petitioner/Appellant/
Respondent/Tenant

Vs.

1.Farook

2.Jawahar

3.Abbas

4.Resiyana Begam

... Respondents/Respondents/
Petitioners/Landlords

Prayer : Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, against the order dated 23.03.2011 passed in R.C.A.No.8 of 2008 on the file of the Rent Control Appellate Authority/Sub Court, Tuticorin, in confirming the order dated 22.02.2008 passed in R.C.O.P.No.1 of 2007 on the file of the Rent Controller/District Munsif Court, Srivaikuntam.

For Petitioner

: Mr.M.P.Senthil

For Respondents

: Mr.G.Prabhu Rajadurai

C.R.P(MD)No.2326 of 2012:

Chandrasekaran

... Petitioner/Appellant/
Respondent/Tenant

Vs.

1.Farook

2.Jawahar

3.Abbas

4.Resiyana Begam

... Respondents/Respondents/
Petitioners/Landlords

Prayer : Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, against the order dated 23.03.2011 passed in R.C.A.No.7 of 2008 on the file of the Rent Control Appellate Authority/Sub Court, Tuticorin, in confirming the order dated 22.02.2008 passed in R.C.O.P.No.4 of 2007 on the file of the Rent Controller/District Munsif Court, Srivaikuntam.

For Petitioner

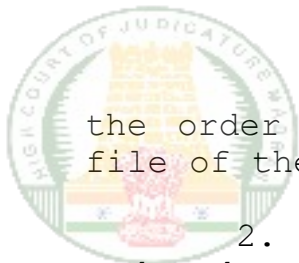
: Mr.M.P.Senthil

For Respondents

: Mr.G.Prabhu Rajadurai

COMMON ORDER

C.R.P(MD)No.2325 of 2012 has been filed challenging the order dated 23.03.2011 passed in R.C.A.No.8 of 2008 on the file of the Rent Control Appellate Authority/Sub Court, Tuticorin, in confirming



the order dated 22.02.2008 passed in R.C.O.P.No.1 of 2007 on the file of the Rent Controller/District Munsif Court, Srivaikuntam.

2. C.R.P(MD)No.2326 of 2012 has been filed challenging the order dated 23.03.2011 passed in R.C.A.No.7 of 2008 on the file of the Rent Control Appellate Authority/Sub Court, Tuticorin, in confirming the order dated 22.02.2008 passed in R.C.O.P.No.4 of 2007 on the file of the Rent Controller/District Munsif Court, Srivaikuntam.

3. The petitioner herein is the tenant and the respondents herein are the landlords. For the sake of convenience, the parties are referred to as 'landlords' and 'tenant'.

4. Brief facts leading to the filing of these civil revision petitions, are as follows:

4.1. One deceased Sheik Mansoor is the landlord and the petitioner herein is the tenant. The said deceased Sheik Mansoor filed R.C.O.P.No.1 of 2007 seeking eviction of the tenant on the ground of wilful default and owner's occupation. The tenant filed R.C.O.P.No.4 of 2007 seeking permission to deposit the rent before the Court. Before the Rent Controller, on the side of the landlord, P.W.1 was examined and Exs.P.1 to P.4 were marked and on the side of the tenant, R.W.1 was examined and Exs.R.1 to R.8 were marked. The Rent Controller considered the evidence let in on either side and allowed the petition filed by the deceased landlord for eviction and dismissed the petition filed by the tenant seeking to deposit the rent.

4.2. Aggrieved by the same, the tenant filed R.C.A.Nos.7 and 8 of 2008 before the Rent Control Appellate Authority and pendency of the appeals, the landlord died and his legal representatives were brought on record and based on the evidence let in on either side, the Rent Control Appellate Authority found that there is no infirmity in the finding of the Court below and dismissed the said appeals. Challenging the same, the present Civil Revision Petitions have been filed.

5. Heard both sides.

6. The main contention of the petitioner/tenant is that the Courts below without appreciating the evidence in proper perspective, found that the tenant committed wilful default and ordered for eviction of the tenant, however, the Courts below merely based on surmises came to such a finding and there is no wilful or deliberate intention on the part of the tenant not to pay the rent to the landlord and hence, prayed for interference.

7. Whereas the learned Counsel for the respondents/landlords contended that the tenant had committed wilful default in payment of rent to the landlord and hence, the landlord initiated eviction



proceedings on the ground of wilful default and also for owner's occupation and the Courts below considered the materials available on record and rightly ordered for eviction of the tenant and hence, no interference is warranted.

8. On perusal of the materials available on record and also on a careful scrutiny of the orders passed by the Courts below, this Court finds that there is no illegality or irregularity in the orders passed by the Courts below and that it is amply established by the landlord that the tenant had committed default and the Courts below had rightly rejected the claim of the tenant and hence, this Court is not inclined to grant the relief sought for in these civil revision petitions.

9. At this juncture, the learned Counsel appearing for the petitioner/tenant, on instructions, submitted that the petitioner/tenant is willing to vacate the premises in question and he required minimum eight months' to vacate and deliver the vacant possession to the landlords, for which, the learned Counsel for the respondents/landlords objected to the same.

10. Having regard to the submissions made by the learned Counsel appearing on either side, time is granted till **31.07.2020** to the petitioner/tenant to vacate and deliver the vacant possession to the respondents/landlords without driving the landlords to initiate execution proceedings, on condition that the petitioner/tenant shall file an affidavit of undertaking before the Registry on or before **30/01/2020**, failing which, the time granted by this Court shall stand automatically cancelled.

10. Accordingly, both these Civil Revision Petitions are disposed of as above. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

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

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

Copy to:The Sub Assistant Registrar, A.E., Section,

Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.MP.Senthil, Advocate, Sr.No.102009

+1cc to M/S.G.Prabhu Rajadurai, Advocate, Sr.No.102064

rsb**C.R.P(MD)No.2325 of 2012**

and M.P(MD)No.1 of 2012 and

C.R.P(MD)No.2326 of 2012

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sma/02/01/2020/3p/5c

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