



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.07.2019
CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.1032 of 2019 (NPD)
and
C.M.P. (MD) .No.5685 of 2019

Vairamani ... Petitioner/Appellant/Respondent/
Tenant

Vs.

1.Minor P.Anitha
2.Minor B.Bhuvaneswari
(Minor respondents 1 and 2 are represented by
their father and natural guardian
V.P.Balasubramanian)

3.Minor S.Sasikala

4.Minor Swathi Lakshmi
(Minor respondents 3 and 4 are represented by
their father and natural guardian
P.Sankar)

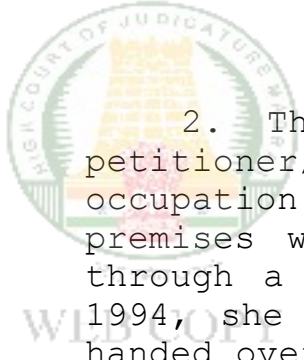
... Respondents /
Respondents/Petitioners/
Landlords

PRAYER:- Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the judgment, dated 04.07.2018, passed in R.C.A.No.15 of 2016 by the Principal Subordinate Court / Rent Control Appellate Authority, Madurai, confirming the order dated 11.01.2016, passed in R.C.O.P.No.220 of 2010 by the Principal District Munsif cum Rent Controller, Madurai Town.

For petitioner : Mr.R.Subramanian

ORDER

This petition has been filed by the petitioner / Tenant challenging the concurrent judgment passed by the Courts below in R.C.A.No.15 of 2016 and in R.C.O.P.No.220 of 2010 directing the petitioner/tenant to vacate the demised premises on the ground of willful default and to give vacant possession within two months to



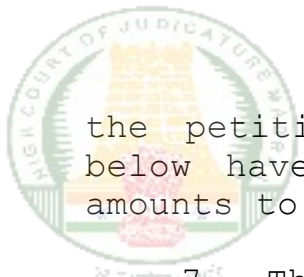
2. The respondents/Landlords had filed RCOP against the petitioner/tenant on the ground of willful default and own use and occupation. According to the respondents/landlord, the demised premises was purchased by their grandmother by name Jeyalakshmi through a registered sale deed dated 14.10.1974 and in the year 1994, she leased out the property in favour of one V.Gandhi and handed over possession. The said Gandhi divided the property into several portions and let out the same to various persons for monthly rents in lieu of interest for lease amount. On 21.04.2010, the respondents' grandmother settled the property in favour of the respondents/landlords. Thereafter, the guardians of the respondents/landlords returned the lease amount to the said Gandhi and as per the oral instructions given by the said Gandhi, the tenancy was attorned by the tenants, including the petitioner/tenant, with the present respondents/landlords. The petitioner is liable to pay Rs.1500/- p.m. In spite of repeated demands, the petitioner/tenant has not paid the monthly rent from 01.06.2010 to 31.07.2010 and committed willful default in payment of rent. As the family of the respondents/landlords consist of six adult members and four children, they wanted the premises for their own use and occupation.

3. According to the petitioner/tenant, the petition mentioned property and adjacent property originally belonged to his mother and she executed a settlement deed dated 17.03.2010 in his favour and therefore, there is no landlord and tenant relationship and the eviction petition is not maintainable.

4. The learned Rent Controller has allowed the petition on the ground of willful default and dismissed the same on the ground of own use and occupation. Aggrieved by the same, the petitioner/tenant has filed appeal. The learned Rent Control Appellate Authority has confirmed the order passed by the learned Rent Controller, thereby dismissed the appeal. Challenging the concurrent judgment passed by the Courts below, the petitioner has come up with this revision petition.

5. Heard the learned counsel for the petitioner and perused the records carefully.

6. Admittedly, in this case, the petitioner/tenant has not produced any document to prove his title over the demised premises. But, on the other hand, the landlords have produced Ex.P1 - sale deeds stands in the name of their grandmother Jeyalakshmi, Exs.P2 to P5 - Patta passbook, E.B. receipts and property tax receipts stands in the name of Jeyalakshmi and Ex.P6 - settlement deed stands in their name to prove their title over the demised premises. As the petitioner/tenant denied the title of the respondents/landlords without any *bona fide* proof, he could be evicted on that ground, even if the landlords have not pleaded for eviction on that ground. In view of the denial of title by



the petitioner/tenant without any *bona fide* proof, the Courts below have come to the conclusion that the act of the tenant amounts to willful default in payment of rent.

7. The main contention of the learned counsel for the petitioner/tenant is that without impleading Gandhi as a party, the landlords cannot plead oral redemption and oral attornment of tenancy with the consent of Gandhi and therefore, the eviction proceeding is not maintainable. The said Gandhi is none other than the father of the petitioner/tenant. Admittedly, the petitioner/tenant has not disputed the averments made by the respondents/landlords that they repaid lease amount to Gandhi and he, in turn, attorned the tenancy orally, in his counter statement. The petitioner/tenant has not even taken any steps to contradict the said statement by producing any oral and documentary evidence. Therefore, the contention of the petitioner/tenant cannot be sustained. This Court does not find any reason to interfere with the concurrent judgment passed by the Courts below. There is no merit in this petition.

8. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Subordinate Judge cum Rent Control Appellate Authority, Madurai.

2.The Principal District Munsif cum Rent Controller, Madurai Town, Madurai.

+1cc to Mr.R.Subramanian, Advocate, SR.No.72969

gcg
C.R.P(MD).No.1032 of 2019 (NPD)
02.07.2019

NA (24.07.2019) 3P : 4C