

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(PD) No.94 of 2020

and

C.M.P.Nos.595 and 599 of 2020

Stephen Inbanathan

...Petitioner

..Vs..

1. Chamber de Commerce,
A Registered Society
Rep., by President Shenbakarajan,
No.1, Rue Suffren,
Pondicherry.

2. Susila Stephen Inbanathan
Proprietrix, Inland Book Publishers
and Distributors,
Having office at
No.1, Suffren street,
Pondicherry – 1.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 15.11.2019 made in R.C.E.P.No.11 of 2016 in H.R.C.O.P.No.50 of 2014 on the file of the Principal District Munsif, Puducherry.

For Petitioner :Mr.T.Shanmugam

For Respondents :Mr.P.Dinesh Kumar

ORDER

The petitioner herein is a tenant and the respondent/landlord has filed H.R.C.O.P.No.50 of 2014 for eviction on the ground of willful default, owner's occupation and change of user. Pending H.M.O.P, he has also filed I.A.No.60 of 2014 under Section 11(4) of the Building and Lease Control Act, Puducherry in respect of the payment of arrears of rent in which he was set-exparte and the application has been allowed and the amount has not been paid. Consequently R.C.O.P was allowed and eviction was ordered. Pursuant to the order of eviction, the respondent/landlord has filed R.C.E.P.11/16 before the Rent Controller, Principal District Munsif, Puducherry for eviction and by an order dated 15.11.2019, the eviction order was passed and delivery was ordered to be given on 26.11.2019. Hence, this Civil Revision Petition has been filed.

2. The learned counsel for the petitioner/tenant could contend that pursuant to the order passed in I.A.No.60/2014, 50% of arrears has been paid and hence, some indulgence may be shown.

3. The learned counsel for the respondent/landlord could contend that in Section 11(4) application, order was passed as early as on 04.07.2015. The payment was not made in full, resulting in eviction

order. Subsequently, he has filed Execution Petition for delivery and Execution Petition is completed and terminated and delivery was effected. The possession was taken in the year 2019.

4. After perusing the order, it is also seen that the petitioner/tenant sought the indulgence of the Rent Controller to pay the entire balance amount to the petitioner on 15.11.2019 and the case was adjourned but inspite of the undertaking, he has not paid the amount.

5. Hence, sufficient opportunity was already given by the Rent Controller for payment of rent also. Even that time, I find that the petitioner/tenant has not honoured his undertaking given to the Court and hence I do not find that the plea raised by the petitioner before this Court for certain settlement is bonafide and hence, I am not inclined to accept the plea.

6. On the merits of the C.R.P since order does not suffer from any irregularity or illegality. As such order of eviction is passed on default of order for not payment to arrears of rent which is ordered as early as on 2015, I am not inclined to entertain this C.R.P.

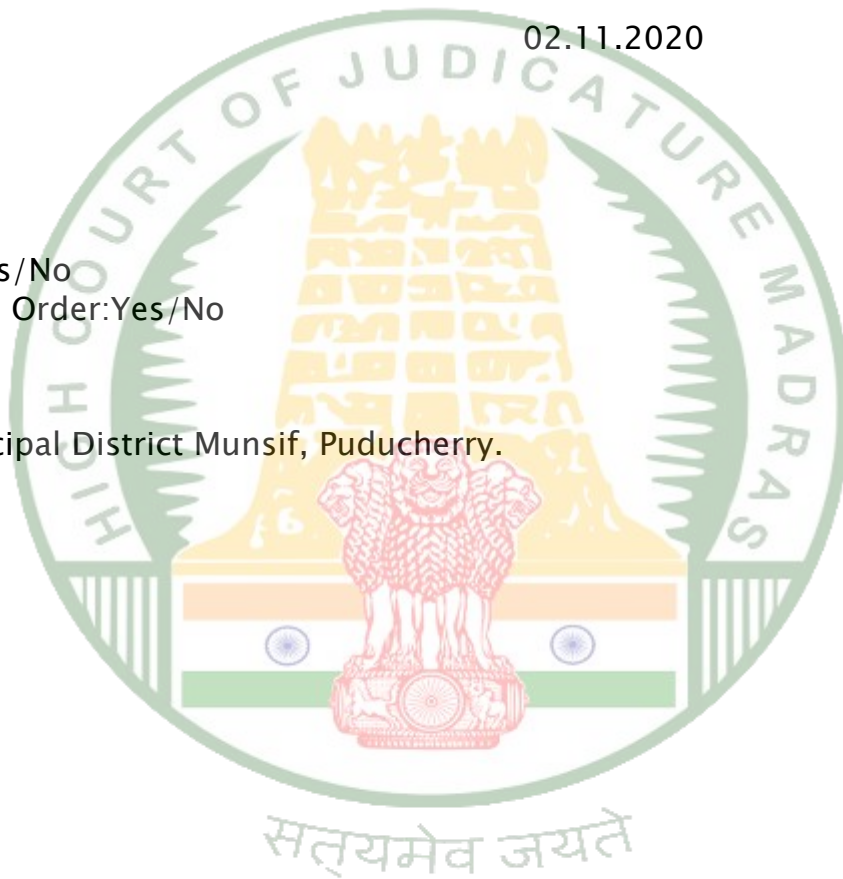
7. In the result, this Civil Revision Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petitions are closed.

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Index:Yes/No
Speaking Order:Yes/No

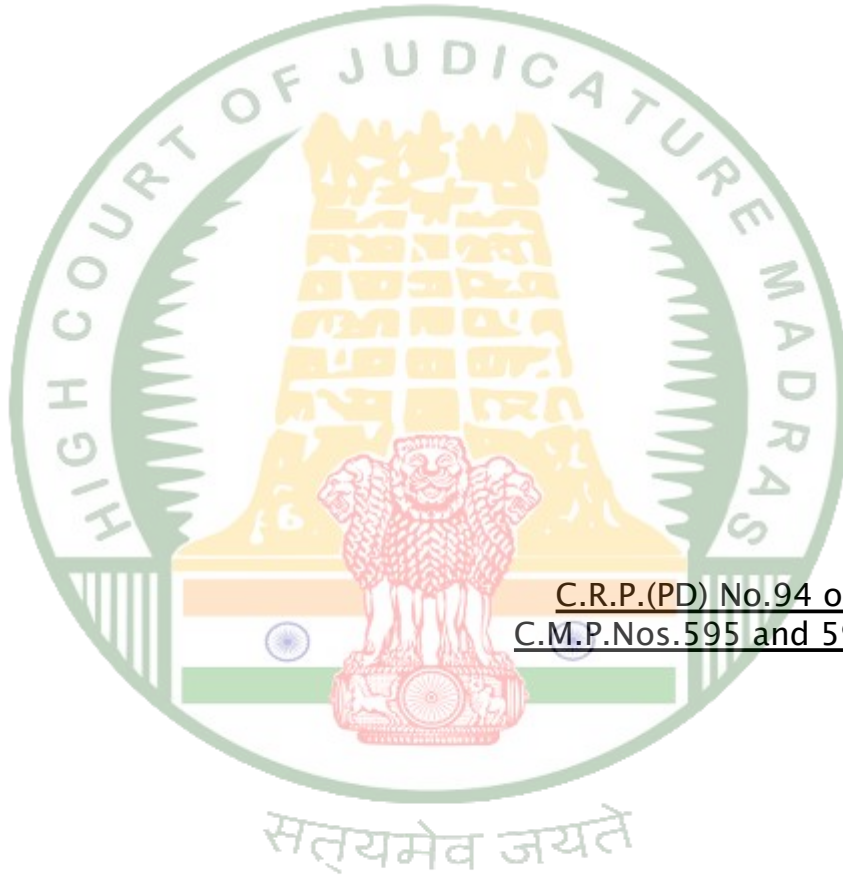
To
The Principal District Munsif, Puducherry.



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RMT.TEEKAA RAMAN,J.,

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