

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

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THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. NPD 220 of 2020

and

C.M.P. 1196 of 2020

A.Naina Mohamed ... Petitioner

Versus

K.A. Habeeb Rahiman ... Respondent

PRAYER : Civil Revision Petition is filed under Sec.25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, praying to set aside the judgment and decree dated 19.12.2019 passed in R.C.A. 26 of 2019 on the file of VIII Judge, Small Causes Court Chennai confirming the order dated 17.12.2018 made in M.P. 238 of 2018 in R.C.O.P. 1739 of 2005 on the file of X Small Causes Court, Chennai.

For Petitioner : Mr.V.Bhiman for
M/s.Sampathkumar and Associates

ORDER

This Civil Revision Petition has been filed against the order dismissing the petition to reject the R.C.O.P.

2. The petitioner is a tenant. The respondent landlord has filed petition for eviction under Sec.14(1)(b) of Tamil Nadu Buildings (Lease and Rent Control) Act, (hereinafter called as 'Act'). Pending R.C.O.P., the petitioner has filed an application under Rule 11 of Tamil Nadu Buildings (Lease and Rent Control) Rules to reject the petition, on the ground that, there is no bonafide in the claim of the respondent landlord. The learned Rent Controller has dismissed the application. Against which, the petitioner has filed an appeal in R.C.A. 26 of 2019 and Rent Control Appellate Authority, after considering the materials available on record, has dismissed the appeal. Challenging the same, the present Civil Revision Petition has been filed.

3. Mr.V.Bhiman, learned counsel appearing for petitioner would vehemently contend that, after filing an application, the respondent landlord has entered into a settlement deed in favour of his wife, and subsequently it was unilaterally cancelled. It would clearly show that, the respondent landlord does not have

any bonafide intention in filing the application, and the application has been filed only with an intention to evict the petitioner. According to the learned counsel, both the authorities have failed to consider this aspect, and erroneously dismissed the application.

4. I have heard and considered the submissions made by Mr.V.Bhiman, learned counsel appearing for petitioner, and perused the records carefully.

5. On perusal of records, it could be seen that, the landlord has entered into a lease agreement, subsequently it was cancelled. Thereafter, he has executed a settlement deed in favour of his wife and son, that was also now cancelled according to learned counsel appearing for petitioner. In the above circumstances, both the authorities, after considering the materials, have rightly dismissed the application holding that, the intention of landlord is bonafide for demolition and reconstruction of the building. I have also carefully gone through the records, I find no illegality or irregularity in the order passed by the court below, and I find no merit in this Civil Revision Petition.

6. The learned Rent Controller is directed to dispose the R.C.O.P. on its own merit, without reference to any of the findings of this court. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

27.01.2020

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

To

VIII Judge,
Court of Small Causes,
Chennai.



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V.BHARATHIDASAN,J.

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