

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[ORDERS RESERVED ON : 03.11.2020]

[ORDERS PRONOUNCED ON :30.11.2020]

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP (NPD).No.1223 of 2020

and

C.M.P.No.6647 of 2020

M.Thangavelu

....Petitioner

...Vs..

R.Palani

...Respondent

PRAYER: Petition filed under Section 25(1) of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, to set aside the decree and judgment dated 20.01.2020 made in R.C.A.No.430/2018 by the IX Judge Court of Small Causes, Chennai (Appellate Authority) confirming the judgment and decree dated 03.04.2018 passed in M.P.No.489/17 in R.C.O.P.No.1182/2017 by the XVI Judge Small Causes Court (Rent Controller) Chennai.

For Petitioner

: Mr.K.Radhakrishnan

For Respondent

: Mr.P.Rajendra Kumar

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ORDER

The tenant is the revision petitioner herein.

2. The respondent/landlord filed R.C.O.P.1182/2017 for eviction on the ground of wilful default of arrears of payment of rent had fixed by the Hon'ble Supreme Court in which the order of eviction was passed.

3. Aggrieved against the said order, he has filed R.C.A.430/2018 and the same is also dismissed and hence, this Civil Revision Petition.

4. Heard the learned counsel counsel for the petitioner and the caveator.

Brief facts leading to filing of this petition:-

5. R.C.O.P.1973 of 2009 filed for wilful default in payment of rents and for owners occupation as against the tenant. The petitioner/tenant filed Section 47 petition in E.A.No.194/2013 to declare the eviction order as nullity. Memo filed by the respondent in R.C.A.210/2014 stating the balance arrears of rent as on July 2014 to the tune of Rs.70,000/- . The petitioner/tenant had filed SLP in C.A.Nos.191&192/2017 and the Hon'ble Supreme Court disposed the appeals with a direction that the petitioner shall pay monthly rent of Rs.15,000/- to the respondent and the respondent shall institute fresh proceedings under the T.N.Buildings (L&R) Act. The petitioner had filed R.C.A.430/2018 wherein interim stay was granted that the petitioner should pay the arrears and future rents to the respondent. But the petitioner had

again committed default on monthly rents. The respondent filed memo stating that rents from February 2019 to September 2019 to the tune of Rs.1,20,000/- is due. The learned IX Rent Control Appellate Authority had recorded the conduct of the petitioner on non payment of rents pending the above proceedings and consequently RCA 430/2018 was dismissed.

6. After hearing the rival submissions the revision petitioner has admitted the jural relationship is existing in the Ex.P1. In the Ex.P1 the Hon'ble Apex Court confirmed the jural relationship between the parties and fixed Rs.15,000/- as monthly rent for the petition premises payable from March 2017 and the monthly rent for the petition premises before 10th every month to the landlord through cheque or Net banking. The said Ex.P1 order was not challenged. The appellant was not paid the arrears of rent for the default period. The respondent filed memo dated 16.09.2019 stating that from February 2019 to September 2019, 8 months rent at the rate of Rs.15,000/- per month was not paid Rs.1,20,000/- was not paid and the memo was recorded on 04.10.2019. This Court found that the appellant was not paid the monthly rents regularly to the landlord who is the respondent herein. The conduct of the appellant for non-payment of monthly rents during the proceedings is wilful.

7. The landlord has filed R.C.O.P.1182 of 2017, in which, he has filed M.P.No.489 of 2017 for direction of to pay the arrears of rent and the same was not paid and hence, the Rent Controller has recorded the conduct of the petitioner/tenant and directed the tenant to pay the rent pending R.C.O.P and on failure, ordered to terminate the R.C.O.P proceedings and the same is confined by the Appellate Authority.

8. After going through the entire records, I find that the petitioner/tenant is not entitled to any lienancy.

9. As extracted supra, in the first round of litigation he filed the suit in O.S.No.570/2009 for injunction restraining the respondent/landlord from evicting without due process of law. Subsequently the first round of rent controller proceedings in R.C.O.P.No.1973/2009 on the ground of wilful default in payment of rent and for owners occupation was instituted and culminated in order in serial Nos.191 and 192 of 2017 wherein the Hon'ble Apex Court has directed the appeals to be disposed of with observation of the tenant to pay 50% rupees as rent and with liberty to the landlord to file fresh proceedings before the rent controller.

10. When the Rent control proceedings has been initiated as directed by the Hon'ble Apex Court, the tenant has committed default in payment of Rs.15,000/- as rent as directed by the Supreme Court pending R.C.O.P the arrears of rent was ordered to be deposited and that was not

complied with resulted in dismissal of R.C.O.P and R.C.A and hence, considering the earlier proceedings and also the order passed by the Hon'ble Apex Court and order passed by the Rent Controller which is conformity with the provisions of the Rent Control Act and the said order is held to be sustainable in law.

11. Accordingly, this Civil Revision Petition is dismissed and the order passed by the Courts below are hereby confirmed. No costs. Consequently, connected C.M.P is closed.

30.11.2020

Internet :Yes

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To

1. The IX Judge Court of Small Causes, Chennai (Appellate Authority)
2. The XVI Judge Small Causes Court (Rent Controller) Chennai.

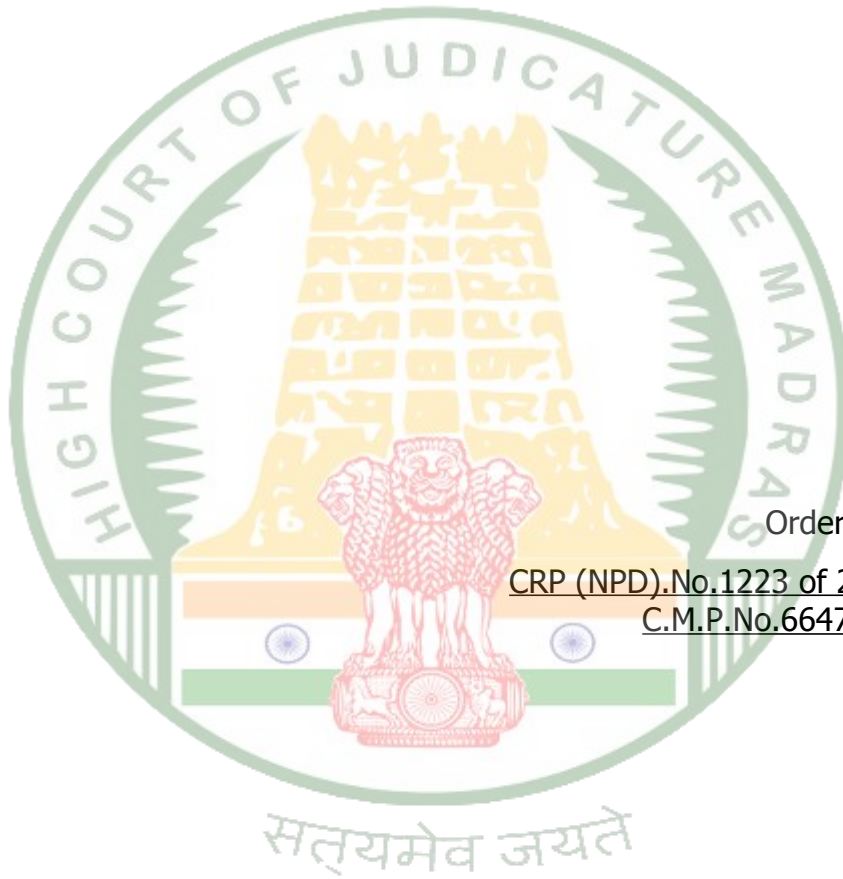
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RMT.TEEKAA RAMAN, J.

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