

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2020

CORAM:

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No.2215 of 2018 and
CMP No.13968 of 2018

Dr.R.Murali

... Petitioner

Vs

S.Leonard Vasanth

... Respondent

Prayer: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act, to set aside the order and decreetal order dated 17.07.2018 made in RCA.No.121 of 2017 on the file of VIII Small causes Court Chennai conformed the lower court order dated 18.01.2017 made in MP.No.288 of 2016 in RCOP.No.1198 of 2013 on the file of X Small causes Court, Chennai.

For Petitioner : Mr.B.Thilak Narayanan

For Respondent : Mr.B.Sundar

ORDER

The tenant who had suffered an order under Section 11 (4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, for a direction to deposit the arrears of rent, has come up with this Civil Revision petition.

2. The landlord sued for eviction on the ground of wilful default,

owners occupation and nuisance. The said proceeding is being resisted by the tenant claiming that he has entered into an agreement of sale with the landlord and has paid a substantial amount as advance and his possession is referable to the agreement and therefore he is not bound to pay rent.

3. Pending the proceedings, the landlord preferred an application in M.P.No.288 of 2016 under Section 11 of the Act. The said petition was allowed by the Rent Controller, directing the tenant to deposit the arrears of rent. Aggrieved, the tenant preferred an appeal in RCA No.121 of 2017. The tenant also sought for stay of all further proceedings pending appeal. The appellate authority directed the tenant to deposit a sum of Rs.6 lakhs to the credit of the appeal as a condition for grant of stay. The tenant, however, deposited a sum of Rs.6 lakhs to the credit of RCOP, instead of appeal. This deviation was considered to be fatal and the appellate Authority vacated the stay. As against the said order dated 25.04.2017, the tenant had come up by revision in CRP (PD) No.2894 of 2017. This Court by order dated 22.11.2017, allowed the revision and remanded the matter to the Appellate Authority with a direction to dispose of the appeal in RCA No.121 of 2017.

4. While doing so, this Court treated the deposit of Rs.6 lakhs to the credit of the RCOP as a substantial compliance with the directions of the appellate Court. The Appellate Court has now dismissed the appeal stating that the tenant is liable to pay the arrears of rent. Aggrieved by the said order, the tenant has come up with this revision petition.

5. Pending this revision petition, the tenant has paid the entire arrears up to date. The details of payment have also been produced. It shows that upto 04.09.2000, the tenant has paid a sum of Rs.29,20,000/-. Since now that the tenant has paid the entire arrears of rent, the orders of the appellate authority directing deposit of rent have been substantially complied with.

6. In view of the same, this Civil Revision petition is allowed. The order of the appellate authority in RCA No.121 of 2017 is set aside and M.P.No.288 of 2016 will stand dismissed. The Rent Controller is directed to dispose of the RCOP within a period of three months from the date of resumption of physical hearings in the Courts at Chennai.

7. It is made clear that the tenant shall continue to pay the rent

regularly on or before 10th of every succeeding month without default. If the tenant defaults in payment of rent in the meantime, the miscellaneous petition in M.P.No.288 of 2016 will stand restored and allowed, resulting in an order of stoppage of other proceedings in the RCOP, followed by an order of eviction. The parties shall also co-operate with the Court in disposing of the main RCOP within a time frame fixed above.

8. It is made clear that the landlord will be entitled to withdraw all the amounts deposited by the tenant till date. The tenant shall not object to such withdrawal. No costs. Consequently, connected miscellaneous petition is closed.

21.09.2020

Note: Time bound order

Index : Yes/No

Speaking order / Non Speaking order
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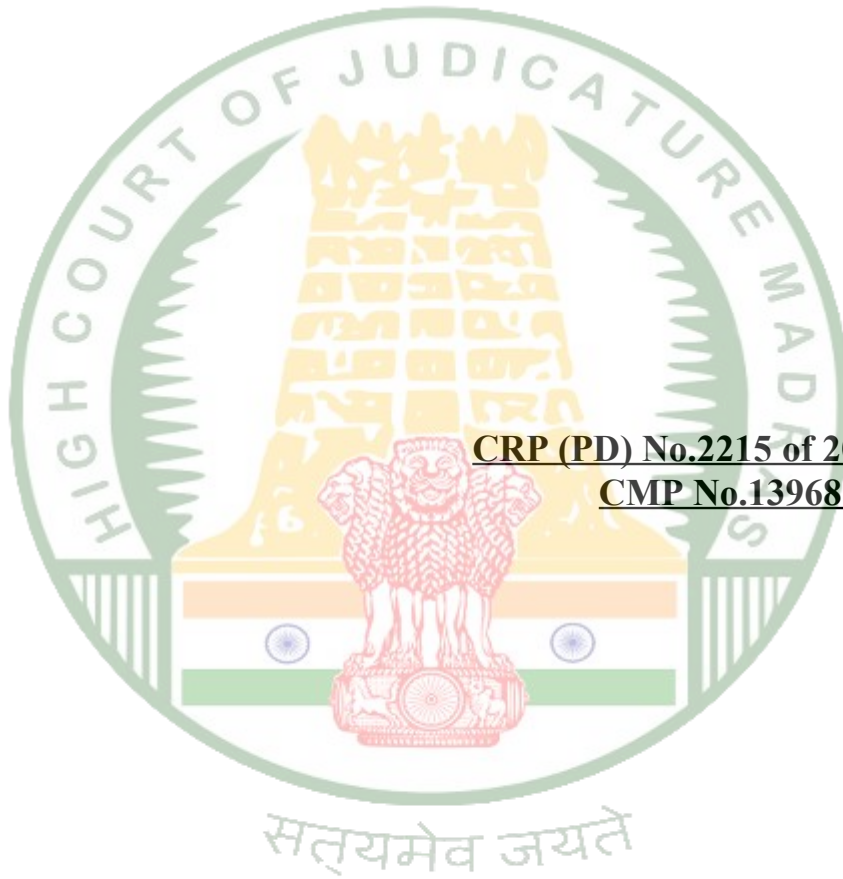
To

1. The VIII Small causes Court, Chennai.
2. The X Small causes Court, Chennai.

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R.SUBRAMANIAN, J.

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