IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. NPD 673 of 2016
and
C.M.P. 3474 of 2016

B.R.Sundaram ... Petitioner

Versus

Sri Ramalinga Sowdeswari
Amman Devasthanam
rep. by its President
K.B.Ramakrishnan ... Respondent

PRAYER : Civil Revision Petition is filed under Sec.25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, praying to set aside the order dated 02.09.2015 in R.C.A. 4 of 2015 on the file of learned Rent Control Appellate Authority/Principal Subordinate Judge, Salem confirming the order and decreetal order dated 04.03.2014 in R.C.O.P. 4 of 2013 on the file of learned Rent Controller/Principal District Munsif, Salem.

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For Petitioner : Mrs.AL.Ganthimathi

For respondent : Mr.T.M.Hariharan

O R D E R

This Civil Revision Petition has been filed against the order of eviction passed by learned Principal Sub-Judge, Salem.

2. The petitioner is a tenant. The respondent temple filed a suit for eviction on the ground of willful default, and also for demolition and reconstruction under Sec.10(2)(1) and 10(2)(vii) and 14(b) of Tamil Nadu Buildings (Lease and Rent Control) Act. The learned Rent Controller has allowed the application, and ordered eviction. Against which, the petitioner has filed an appeal in R.C.A. 4 of 2015. The Rent Control Appellate Authority also after considering the materials available on record, dismissed the appeal, thereby confirmed the order of eviction. Challenging the same, the present Civil Revision Petition has been filed.

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3. I have considered the submissions made by the learned counsel appearing for petitioner as well as learned counsel

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appearing for respondent and perused the records carefully.

4. The learned Rent Controller, after considering entire materials and evidence, have held that, the petitioner has committed willful default in payment of rent, and the building requires demolition and reconstruction. The learned Rent Control Appellate Authority, after considering all the issues, has dismissed the appeal. 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.

5. Mrs.AL. Ganthimathi, learned counsel appearing for petitioner submitted that, the petitioner is residing there for long number of years, and he find very difficult to find a suitable accommodation. Hence, she seeks time to vacate the premises. The learned counsel also filed an undertaking affidavit stating that, the petitioner will vacate the premises and hand over possession to the respondent temple on or before 10.01.2021. Recording the undertaking affidavit, the petitioner is directed to vacate and hand over possession of demised premises to the respondent on or before 10.01.2021.

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6. At this stage, the learned counsel appearing for respondent submitted that, after the order passed in Rent Control Appeal, the tenant did not deposit the rent. The learned counsel appearing for petitioner submitted that, since the respondent landlord failed to receive the rent, he has deposited the rent in a separate S.B. Account, and he will pay the future rent to the respondent without any default. Recording the submissions, the petitioner is directed to pay entire arrears as on today to the respondent, and also continue to pay the rent till the vacation of demised premises.

7. With the above direction, the present Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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

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To

Principal Sub-Judge cum

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Rent Control Appellate Authority,
Salem.

V.BHARATHIDASAN,J.

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