

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(PD)No.1856 of 2020

CMP.No.11132 of 2020

1. B.Rajalakshmi
2. B.Buvaneswari

Petitioners

Vs

K.R.Krishnamurthy

Respondent

Prayer:- This Civil Revision Petition has been filed, under Section 227 of the Constitution of India, to set aside the judgement and decree, dated 28.02.2020 passed in RCA.No.87 of 2016, by the VIII Small Causes Court at Chennai, reversing the judgement and decree, dated 21.11.2015, made in RCOP.No.1126 of 2013 by the XII Small Causes Court, Chennai.

For Petitioner : Mr.S.Hari Prasad

ORDER

1. This Civil Revision Petition has been filed by the legal representatives of the deceased tenant, who died during the pendency of the appeal proceedings, to set aside the judgement and decree, dated 28.02.2020, passed in RCA.No.87 of 2016, by the VIII Small Causes Court at Chennai, reversing the judgement and decree, dated 21.11.2015, made in RCOP.No.1126 of 2013 by the XII Small Causes Court, Chennai.

2. This court heard the learned counsel for the Petitioner.
3. The legal representatives of the deceased tenant, who died during the pendency of the appeal proceedings before the lower appellate court, are the revision petitioners herein and the Respondent is the landlord.
4. The respondent/ landlord has filed RCOP.No.1126 of 2013, seeking eviction of the tenant on the ground of own use and owner's occupation, contending that the son of the landlord requires the petition mentioned premises to run his business under the name and style of "Angel Broking", which is being run in a rented premises at Royapettah and a counter has also been filed in the said RCOP.
5. In the trial, on the side of the landlord, PW.1 and PW.2 were examined and Ex.P1 to P11 were marked. On the side of the tenant, the deceased tenant was examined as RW.1 and Ex.R1 to R4 were marked. The said RCOP was dismissed by the impugned order, dated 21.11.2015, as against which, RCA.No.87 of 2016 was filed by the landlord and the said RCA was allowed by the impugned order, dated 28.02.2020. Hence, this Civil Revision Petition has been filed by the legal representatives of the deceased tenant.
6. After going through the pleadings and the entire evidence, it is seen that the petition mentioned property and another property was occupied by the tenant and it is required by the landlord for his son, K.Janakiraman, PW.2, to run his business. PW.2 has deposed in the evidence in clear terms about the bona fide requirement of the petition mentioned premises to run his business. It is also seen that there is another property owned by the landlord.

7. It is the contention of the learned counsel for the petitioners that since the landlord is having another premises, he should have taken that property, instead of asking eviction of the petition mentioned property.
8. It is settled law, in a plethora of cases, that it is open to a landlord to choose, among his premises, which premises he should require for his business and which premises he should not and a tenant cannot dictate or compel the landlord to run such a business either in small or insufficient portion of the choice of the tenant. In other words, the tenant cannot dictate the landlord which building the landlord should choose and it is the prerogative of the landlord to what magnitude he want to star his business
9. Furthermore, it is also seen from the evidence that PW.2, who is the son of PW.1 landlord, is running a business under the name and style of "Angel Broking", in a rented premises at Royapettah and hence, his requirement that he want to run his business in his own premises, is a bona fide requirement. Hence, the lower Appellate Authority was right in coming to the conclusion that the owner's occupation is a bona fide requirement and the tenant is in occupation of the building and the said building is required for the landlord's son to carry on the said business and accordingly, ordered for eviction of the tenant. Therefore, such factual findings rendered by the lower Appellate Authority do not suffer from any illegality or irregularity, which warrants interference by this Court. In such view of the mater, this Civil

RMT.TEEKAA RAMAN, J.

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Revision Petition is liable to be dismissed.

10.In the result, this Civil Revision Petition is dismissed. No costs.

Consequently, the connected MP is closed.

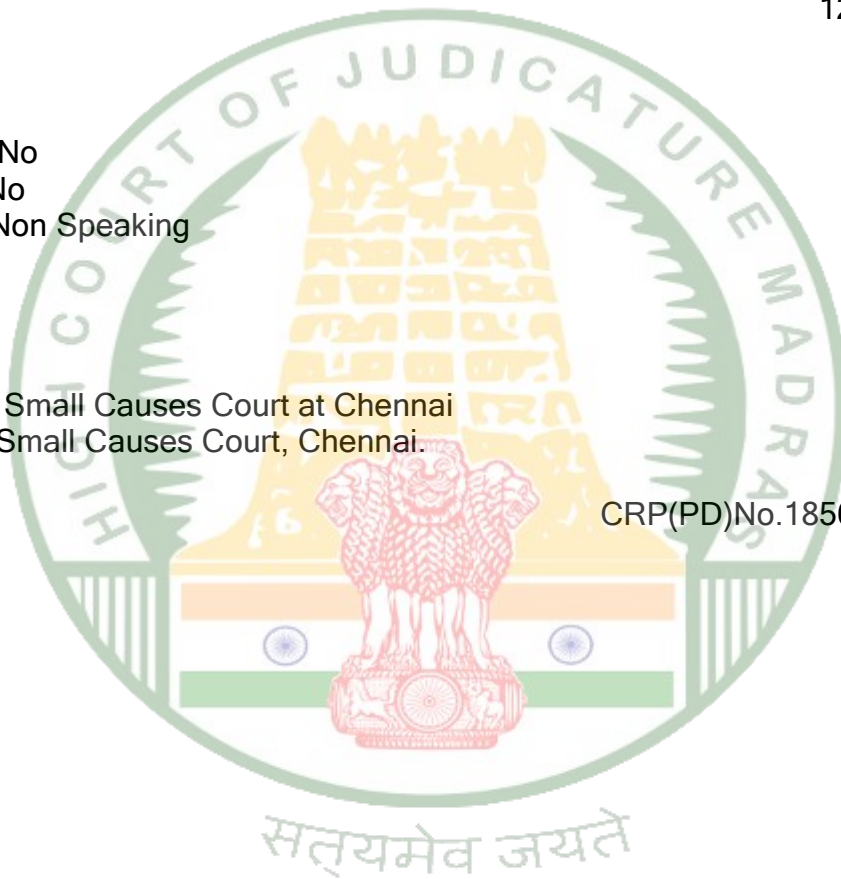
12.10.2020

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
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To

1. The VIII Small Causes Court at Chennai
2. The XII Small Causes Court, Chennai.

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