



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.No.3201 of 2019

R.Varalakshmi

... Petitioner

Versus

N.Jothishmathy

... Respondent

Civil Revision Petition filed under Section 25 of the Pondicherry Buildings Lease and Rent Control Act 1969 of the Constitution of India, praying to set aside the Judgement and Decree in RCA.No.11 of 2018, dated 11.03.2019 in the Court of II-Additional District Judge, Puducherry and confirming the fair and decreetal order in I.A.No.830 of 2017 in H.R.C.O.P.No.13 of 2013, dated 20.12.2012 on the file of the Rent Controller - 1, Principal District Munsif, Puducherry.

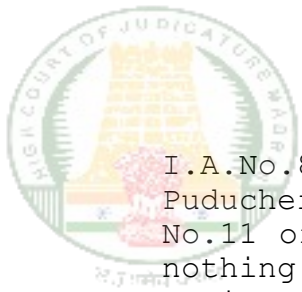
For petitioner : No Appearance

For Respondent : Mr.P.Rajkumar Pandiya

ORDER

Though the name of the counsel for the petitioner is printed in the cause list, he is not present and the learned counsel for the respondent is present.

2. The respondent herein is the owner of the premises in question. She has filed H.R.C.O.P. No.13 of 2013, before the file of the learned Rent Controller - 1, Principal District Munsif, Puducherry for eviction of the petitioner/tenant for non-payment of rent. Pending the Original Petition, the respondent/landlord filed I.A.No.830 of 2017 under Section 11 (3) and 11 (4) of the Pondicherry Buildings (Lease and Rent Control) Act, read with Section 151 of CPC to direct the petitioner/tenant to deposit the arrears of rent failing which to stop all further proceedings in the Original Petition and to order for eviction. The application was contested by the petitioner/tenant. The learned Rent Controller allowed the application in I.A. No. 830 of 2017 by passing a conditional order on 26.12.2017 directing the tenant to pay the admitted monthly rent of Rs.4,000/- from July 2011 to March 2017 and subsequent arrears of rent on or before 08.01.2018 failing which all further proceedings would be stopped and eviction will be ordered. Aggrieved against the order passed directing the deposit of admitted rent of arrears, the tenant has preferred RCA.No.11 of 2018 against the order passed in



I.A.No.830 of 2017. The learned II- Additional District Judge, Puducherry, by an order dated 11.03.2019 has dismissed RCA. No.11 of 2018 by holding that the amount directed to be paid is nothing but an admitted amount of the rent which has not been remitted by the petitioner/tenant. When that be the case, the Rent Controller is right in directing payment of arrears of rent. It is also observed by the Appellate Authority that without preferring any appeal against the consequential order stopping all further proceedings in the Original Petition, the RCA.No.11 of 2018 was filed only against the interim order in I.A.No.830 of 2017 and therefore the appeal is not maintainable. accordingly, dismissed the RCA.No.11 of 2018, against which the present Civil Revision Petition is filed.

3.Heard, the learned Counsel for the respondent and perused the materials available on record.

4.It is seen that on admitted factual matrix, the quantum of rent is admitted and arrears were not paid. At the time of filing Interlocutory Application in I.A. No. 830 of 2017 by the respondent/landlord, the arrears of rent runs into Rs.2,76,000/- and thereafter, she has not paid the admitted rental arrears amount. Interlocutory Application in I.A.No.830 of 2017 was dismissed and the RCA.No.11 of 2018 was also dismissed and the present Civil Revision Petition is pending for more than one year but it appears that she has not remitted any amount.

5.Taking into consideration the factual matrix of the case and quantum of admitted amount of rent and the admitted arrears, both the Courts below have rightly come to the conclusion that the petitioner/tenant is not entitled for any relief. The orders passed by the Rent Controller as well as the Appellate Authority directing the tenant to remit the admitted arrears amount, do not call for interference. Hence, the Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

klt

To

1.The II-Additional District Judge, Puducherry.

2.The Rent Controller - 1,
Principal District Munsif,
Puducherry.

CRP.No.3201 of 2019