

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 15.12.2020

PRONOUNCED ON : 22 .12.2020

CORAM:

THE HON'BLE MR.JUSTICE V.SIVAGNANAM

C.R.P(PD).No.2466 of 2019

M.Venkatachalam @ Venkatachalam Thoorun

...Petitioner

Vs

P.Revathi

...Respondent

Prayer: Civil Revision Petition filed under Section 25 of the Tamil nadu Buildings, (Lease & Rent Control) Act to set aside the judgment and decreetal order dated 27.04.2019 made in R.C.A.No.12 of 2018 on the file of the Rent Control Appellate Authority cum Principal-Subordinate Judge, Erode confirming the fair and decreetal order dated 10.09.2018 made in R.C.O.P.No.1 of 2017 on the file of the Rent Controller, Principal District Munsif Court, Erode by allowing this Civil Revision Petition.

For Petitioner : Mr.R.Gandhi (Senior Counsel)
for Guruprasad

For Respondent : Mr.Dr.A.Thiyagarajan (Senior Counsel)
For M.Nallathambi

ORDER

This Civil Revision Petition has been filed against the judgment and decree dated 27.04.2019 made in R.C.A.No.12 of 2018 on the file of the Rent Control Appellate Authority cum Principal Subordinate Judge, Erode, confirming the fair and decreetal order dated 10.09.2018 made in R.C.O.P.No.1 of 2017 on the file of the Rent Controller, Principal District Munsif Court, Erode

2.The petitioner is the tenant and the respondent is the landlord.

3.The respondent/landlord filed R.C.O.P.No.1 of 2017 against the petitioner/tenant for eviction on the ground of willful default on payment of Rent and Act of waste.

4.The Rent Controller after recording evidence and considering the argument of the counsel for the parties ordered eviction on the ground of willful default in payment of rent and dismissed the ground of Act of Waste. Aggrieved by this Court of eviction, the petitioner/tenant filed R.C.A.No.12 of 2018 before the Appellate Authority. The learned Appellate Authority also, after considering the submission of the counsel for the parties, confirmed the eviction order passed by the Rent Controller. Aggrieved by this order, the petitioner/tenant filed this present revision petition.

5. The learned counsel for the petitioner/tenant submitted that the order of eviction passed by the Rent Controller and confirmed by the Appellate Authority is illegal and unjust. The petitioner is not in arrears of rent. There is no willful default on the part of the petitioner/tenant. There was a strained relationship between the landlord and the tenant and in order to evict the tenant, the landlord refused to collect rent from the tenant. The landlord collected advance amount of Rs.25,000/- from the tenant has been proved before the Rent Controller. The Respondent/

Landlord did not prove that the tenant was willfully defaulted in payment of rent. The Rent Controller failed to appreciate the evidence adduced by the petitioner/tenant. The appellate authority also mechanically dismissed the appeal and reiterated other grounds raised in the grounds of the revision petitioner/tenant and thus pleaded to set aside the order passed by the Rent Controller appellate authority and allow the revision petition.

6.The learned counsel for the respondent supported the order of the Rent Controller and 1st Appellate Authority. The conclusion of the Rent Controller and the 1st Appellate Authority is reasonable and not warranted any interference by the revisional Court and thus supported the order of the trial Court and thus pleaded to dismiss the revision petition.

7.Heard learned counsel for the petitioner and learned counsel for the respondent and perused the materials available on record.

8.The revision petitioner is the tenant and the respondent is the landlord. The respondent/landlord filed R.C.O.P.No.1 of 2017 against

this petitioner/tenant for eviction on the ground of willful default in payment of rent besides act of waste. After considering the evidence adduced by the parties, the Rent Controller found that the petitioner/tenant has willfully defaulted in payment of rent while dismissing the ground for eviction of waste and ordered for eviction on the ground of willful default. Aggrieved by this eviction order, the petitioner/tenant preferred R.C.A.No.12 of 2018 before the Appellate Authority. The Appellate Authority considering the records and evidence, confirmed the eviction order. Aggrieved by this order, this revision petition is filed.

9.I have gone through the materials on record and considered the submission of the counsel for the parties. A perusal of records and the evidence reveals that the petitioner/tenant defaulted in payment of rent and he has not explained and adduced sufficient evidence before the Rent Controller that arrears of rent was not wanton. The evidence reveals that there is a default in payment of rent. The evidence of landlord and tenant also reveals that rent was paid in lumpsum after filing of Section 11(4)

petition. The Rent Controller recorded his finding and the petitioner/tenant paid the arrears of rent in lumpsum after the respondent/landlord filed application under Section 11(4) of Act. The Rent Controller concluded that the petitioner/tenant has willfully defaulted in payment of rent and that finding is based on the evidence recorded by the Rent Controller. The Revisional Authority cannot normally interfere with finding of facts unless there are no other materials on which such a finding could be based or finding has been reached by a consideration of irrelevant or in-admissible matter or that conclusion or the finding has been reached by erroneous understanding of law applicable to the matter. So far as this case is concerned, the Rent Controller ordered eviction on clear evidence willfully defaulted in payment of rent by the petitioner/tenant. The Appellate Authority also considered the evidence and confirmed the order of the Rent Controller. Therefore, I find no reason to interfere with the finding of the Rent Controller and Appellate Authority. Hence, I confirm the order of the Appellate Authority and dismiss the revision petition as it has no merits.

10. Accordingly, this Civil Revision Petition stands dismissed. No costs.

22.12.2020

Index: Yes/No
Speaking Order: Yes/No
vsn

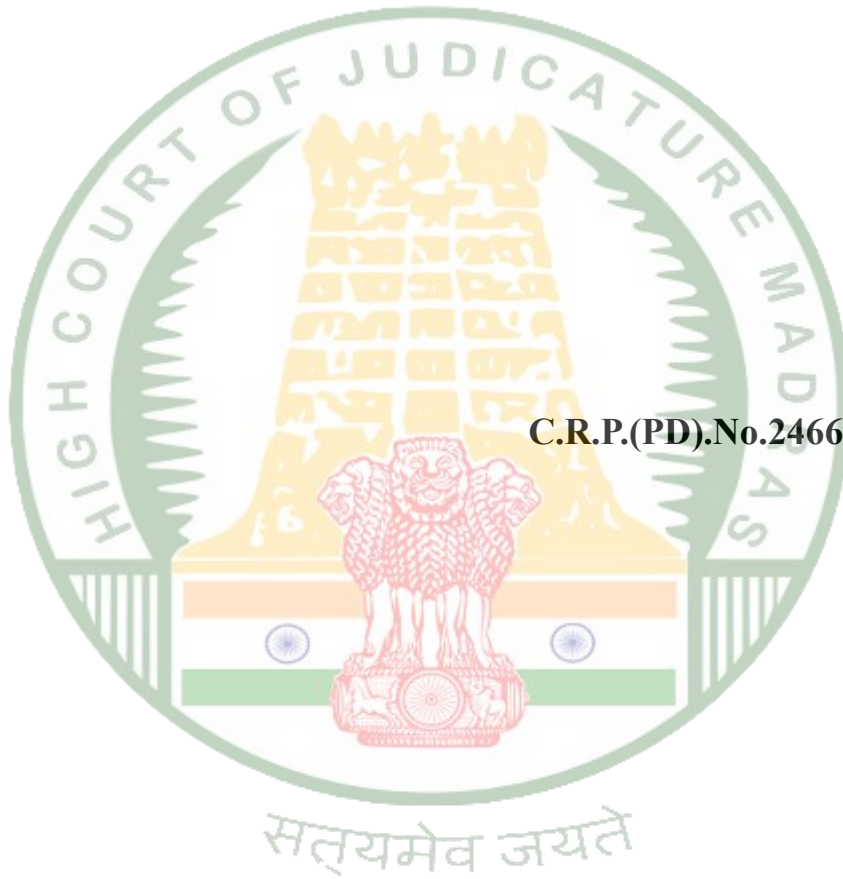


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V.SIVAGNANAM.J,

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