

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. (NPD) 4155 of 2019
and
C.M.P. 27024 of 2019

A.Kaleemunnissa

... Petitioner

Versus

1. A.Haleunnissa
2. I.Basheerunnissa

... Respondents

PRAYER : Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, praying to set aside the order dated 03.09.2019 passed by the learned IX Judge, Small Causes Court, Chennai in R.C.A. 99 of 2018 confirming the judgment and decree in R.C.O.P. 1611 of 2016 dated 06.12.2017 on the file of XVI Judge, Small Causes Court, Chennai.

For Petitioner : Mr.M.Abdul Razack

For Respondents : Mr.I. Kowser Nissar

ORDER

This Civil Revision Petition has been filed against the order of eviction dated 03.09.2019 passed in R.C.A. 99 of 2018 by the learned IX Judge, Small Causes Court, Chennai against the petitioner.

2. The petitioner is a tenant. The respondents, who are landladies, have filed a petition for eviction under Sec.10(3)(c) of Tamil Nadu Buildings (Lease and Rent Control) Act, (hereinafter called as 'Act') seeking the leasehold premises for additional accommodation. According to the respondent landladies, they are senior citizens residing in the first floor of the building, and the ground floor has been leased out to the petitioner tenant. Now, due to the old age, the respondents are not in a position to claim staircase, and hence, they wanted the demised premises. Therefore, they have filed a petition for eviction. The learned Rent Controller has allowed their petition, and ordered eviction. Challenging the same, the petitioner has filed an appeal in R.C.A. 98 of 2015, and the Rent Control Appellate Authority also after

considering the materials available on record, has confirmed the order of eviction passed by the Rent Controller, and dismissed the appeal. Against which, the present Civil Revision Petition has been filed.

3. I have heard and considered the submissions made by the learned counsel appearing for the petitioner as well as the learned counsel appearing for respondent caveators and perused the materials available on records carefully.

4. The eviction petition has been filed under Sec.10(3)(c) of the Act seeking for owners occupation of the demised premises. The case of the respondent landladies is that, they are all senior citizens, and now they are residing in the first floor, and the ground floor has been leased out to the petitioner tenant. Due to their old age and health related issues, they are not able to claim the staircase to the first floor. Hence, they seek eviction of the petitioner. Both the authorities, after considering both oral and documentary evidence, have come to a conclusion that, the claim of respondent landladies are bonafide and ordered eviction against the petitioner. I have also gone through the materials, I find no illegality or irregularity in the order passed by the Trial

Court, and I find no merit in this Civil Revision Petition. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is also closed.

27.01.2020

Index:Yes/No
Internet:Yes/no
Speaking Order/Non Speaking Order
rpp

To

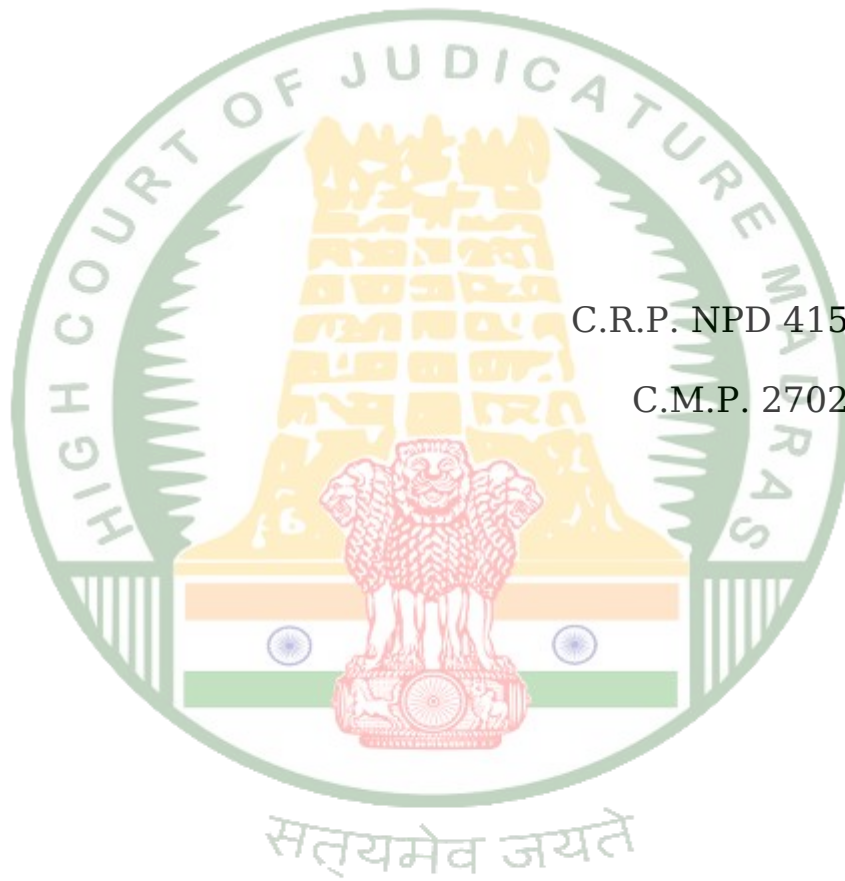
IX Judge,
Court of Small Causes,
Chennai.



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V.BHARATHIDASAN,J.

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