



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P.(NPD) (MD)No.592 of 2019
and
C.M.P.(MD)No.2948 of 2019

M.Packiam : Petitioner/Appellant/Tenant/Respondent

.. Vs ..

D.Gomathiammal : Respondent/Respondent/Landlord/Petitioner

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 to set aside the decree and judgment passed by the learned Rent Control Appellate Tribunal-cum-Subordinate Judge, Tirunelveli, dated 08.10.2018 made in R.C.A.No.13 of 2017 confirming the fair and decreetal order made in R.C.O.P.No.14 of 2015, dated 06.10.2017 passed by the learned Rent Controller/I Additional District Munsif, Tirunelveli.

For Petitioner :No Appearance

For Respondent :Mr.S.Velrajan

ORDER

This Civil Revision Petition is directed against the order passed by the learned Rent Control Appellate Authority-cum-Subordinate Judge, Tirunelveli, dated 08.10.2018 made in R.C.A.No.13 of 2017 confirming the fair and decreetal order made in R.C.O.P.No.14 of 2015, dated 06.10.2017 passed by the learned Rent Controller/I Additional District Munsif, Tirunelveli.

2.Heard the learned Counsel appearing for the respondent. The learned Counsel for the petitioner is absent.

3.The tenant is the revision petitioner and the respondent is the landlady. Going by the records, this Court noticed that the tenant has not paid the admitted arrears as on date. Hence, this Court directed the revision petitioner to deposit the amount of arrears with an observation that the revision petitioner's conduct will be treated as wilful, if she does not deposit the arrears within the time. When the revision petition appeared on the next hearing, the learned Counsel for the revision petitioner reported that he has no instruction from the revision petitioner.



4.The respondent in this revision petition, namely, the landlady, is unable to collect even the admitted rent, even though the petition for eviction on the ground of wilful default was filed in the year 2015. When the revision petition appeared in the list on 16.09.2020, after recording the facts, this Court directed the Registry to post the matter under the caption "either for dismissal or for disposal on merits" on 21.09.2020.

5.Even today, despite the revision petition is posted under the caption "either for dismissal or for disposal on merits", there is no representation for the revision petitioner. In a Rent Control Proceedings, the tenant is liable to be evicted on the ground of wilful default, even if his conduct during the pendency of the proceedings shows that the tenant has no inclination for prompt payment of rent during the proceedings. The learned Counsel for the petitioner reported no instruction specifically knowing that this Court may dismiss this revision petition, in case, the tenant does not pay the admitted rent. The tenant cannot be allowed to take advantage of the proceedings to the inconvenience of the respondent/landlady. The Act enables the landlord to get an order of eviction for non-payment of rent during the pendency of the proceedings. The conduct of the tenant has strengthened the case of landlady and there no valid reason for adjourning the revision petition giving further hope to the revision petitioner/tenant.

6.As a result, this Civil Revision Petition is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Subordinate Judge,
(Rent Control Appellate Tribunal) Tirunelveli.

2.The Rent Controller/I Additional District Munsif, Tirunelveli.

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