



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

C.R.P (MD)No.731 of 2020

and C.M.P (MD) No.4871 of 2020

1.G.Santhanam

2.G.Narayanan

3.G.Ramanujam

...Petitioners/Respondents/Respondents/Tenants

Vs.

Govindan

...Respondent/Appellant/Petitioner/Landlord

PRAYER: The Civil Revision Petition is filed under Section 25 of the Tamilnadu Buildings, Lease and Rent Control Act against the fair and decreetal order dated 12.02.2020 in R.C.A No. 54 of 2012 on the file of the Rent Control Appellate Authority cum Principal Sub court, Tiruchirappalli reversing the fair and decreetal order dated 31.07.2012 in R.C.O.P. No.50 of 1996 on the file of the Rent Controller/first additional District Munsif Court, Tiruchirappalli.

For Petitioners : Mr.TSR.Ventatramana

For Respondent : Mr.K.S.Kathiravan

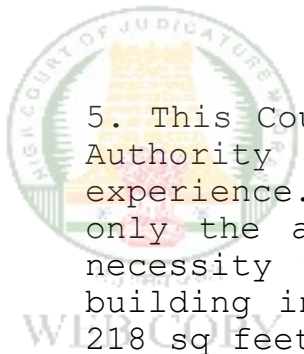
ORDER

This revision is laid challenging an order of the Rent Control Appellate Authority directing eviction of the revision petitioner.

2. The brief facts are that the landlord is a octogenarian and was working in the defence. He has laid R.C.O.P. No. 50 of 1996 for eviction of his tenant Gopalaiyengar, on the ground that there was willful default in the matter of payment of rent, that the tenant had committed waste in the building, and that he requires the building for his own additional use. The eviction petition was dismissed by the Tribunal and in an appeal preferred by the landlord before the Rent Control Appellate Authority he succeeded only on the ground of additional accommodation.

3. According to the tenant, the landlord is in occupation of about 1600 sq. feet and no ground is made for seeking additional space of 280 sq feet, the plinth area of the building involved in this litigation. The landlord would say that the entire portion has narrowed down and the residential portion has an extension in the ground floor only to the extent of 670 sq.feet. It was argued before the Rent Controller that the entire property is extended to 1800 sq feet which including the upstairs portion. The Rent Control Appellate Authority however made a realistic statement that whenever the petitioner's children arrived, they need additional space.

4. Heard the learned counsel for the revision petitioner.



5. This Court finds that the approach of the Rent Control Appellate Authority cannot be faulted for it has blended law with life's experience. Here, there is an octogenarian landlord who occupies only the area of 637 sq. feet in the ground floor and feels a necessity to occupy an additional space of 218 sq.feet which the building involved in this case represents. The additional space of 218 sq feet will definitely add some value to his life. After all he is in the December of his life, and the tenant is in occupation of the property for three generations, based on the tenancy which he alleges as commenced in September, 1950.

6. This Court does not find that the approach of the Rent Control Appellate Authority is perverse as to shock the conscience of the court.

7. The tenants are directed to deliver vacant possession on or before 30.04.2021. The tenants are also directed to file an affidavit that they will vacate the premises on or before 30.04.2021. On the failure of filing such affidavit as required by this Court, time granted by this Court for vacating the premises in this order will not be available and the respondent/landlord will be free to evict the tenant in terms of the order of the Rent Control Appellate Authority.

8. In fine, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa/cm

To,

1.The Rent Control Appellate Authority cum Principal Sub court,
Tiruchirappalli

2. The Rent Controller/Principal District Munsif Court,
Tiruchirappalli.

+1 CC to M/s.T.S.R. VENKAT RAMANA, Advocate (SR-18899[F] dated
05/10/2020)

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SE (CO)

KB(09.12.2020) 2P 4C

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