



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2020

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) No. 1732 of 2015
and M.P. (MD) No. 1 of 2015

N. Jeyaraman

... Petitioner/Respondent
/Respondent/Respondent

vs.

Sornam

...Respondent/Appellant/Petitioner/
Petitioner

PRAYER : Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 as amended by Act 1 of 1980, to call for the records and set aside the fair and executable order dated 01.07.2015 passed in RCA No.16 of 2012 on the file of the Principal Subordinate Judge cum Rent Control Appellate Authority, Madurai reversing the fair and executable order dated 13.02.2012 passed in I.A. No. 6 of 2011 in RCOP No. 14 of 2010 on the file of the District Munsif Cum Rent Controller of Madurai Taluk and allow this Civil Revision Petition.

For Petitioner : Mr. J. Barathan

ORDER

This petition has been filed to set aside the fair and executable order, dated 01.07.2015 in RCA No.16 of 2012 passed by the learned Principal Subordinate Judge cum Rent Control Appellate Authority, Madurai reversing the fair and executable order, dated 13.02.2012 passed in I.A. No. 6 of 2011 in RCOP No. 14 of 2010, on the file of the District Munsif Cum Rent Controller of Madurai Taluk.

2. The learned counsel appearing for the revision petitioner submits that I.A. No.6 of 2011 in RCOP No.14 of 2010 has been filed by the respondent herein/Tenant under Section 11(4) of Rent Control Act, 1860 to direct the revision petitioner herein to deposit the arrears of rent for the period from December 2009 to December 2010, in default to hand over the possession to the petitioner and the same was dismissed by order, dated 13.02.2012. Against the said order, the respondent herein has filed an appeal in Rent Control Appeal No.16 of 2012 against the Fair and Executable Order dated 13.02.2012 in I.A. No. 6 of 2011 in RCOP No. 14 of 2010 passed by



the learned Rent Controller (District Munsif), Madurai Taluk and the same was allowed with costs on 01.07.2015. Aggrieved over the same, the revision petitioner herein has filed the instant Civil Revision Petition.

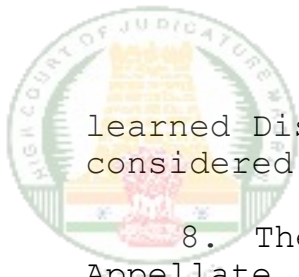
3. It is seen from the records that the respondent herein is the owner of the property and the revision petitioner is the tenant and he has paid the rent till November 2009 and failed to pay rent wilfully from December 2009 onwards. The revision petitioner herein has to pay arrears of rent for a period of 13-months till December 2010 to the tune of Rs.19,500/-.

4. Heard the learned counsel appearing for the revision petitioner and perused the material documents available on record.

5. Considering the facts of the case, the respondent/petitioner/ landlady had filed a petition in I.A. No.6 of 2011 in RCOP No.14 of 2010 on the file of the learned District Munsif, Madurai Taluk at Madurai to direct the revision petitioner to deposit the arrears of rent from December 2009 to December 2010, in default, to hand over the possession to the respondent herein and the same was dismissed, by order, dated 13.02.2012 since the relationship between the landlady and tenant has not been proved. Against the order, an appeal in Rent Control Appeal No.16 of 2012 was filed by the respondent herein/landlady, on the file of the Rent Control Appellate Authority (Principal Subordinate Judge), Madurai and the same was allowed by order, dated 01.07.2015. Against the said order, the Civil Revision Petition is filed. The respondent/landlady has to prove the relationship between the landlady and tenant, when she has filed RCOP for arrears of rent. Ownership of land was admitted by the revision petitioner, but, he denied the relationship of tenant and landlady. The respondent/landlady herein has not produced any document to prove that the relationship between the landlady and the tenant.

6. Ownership and possession of the revision petitioner was admitted by the petitioner. In ruling submitted by the learned counsel for the revision petitioner, in **2014-1-LW-781, R.Rathinam Vs. P. Nityanandam**, ownership of land itself is dispute.

7. But, in the case on hand, the ownership and possession was admitted. The revision petitioner has contended that they have made sale agreement and on that basis he is in possession. But, the above said sale agreement has not been produced before the Court below. The petitioner in RCOP should prove the relationship between the landlady and tenant since the revision petitioner/tenant had admitted the ownership of respondent/petitioner in RCOP, the revision petitioner has to prove that only on the basis of the sale agreement he is in possession. But, he has neither oral nor documentary evidence. Therefore, the District Munsif Cum Rent Controller of Madurai Taluk wrongly dismissed the RCOP No. 14 of 2010 as relationship of tenancy and landlady has not proved. The



learned District Munsif Cum Rent Controller of Madurai Taluk has not considered the admission of respondent/tenant.

8. The learned Principal Subordinate Judge cum Rent Control Appellate Authority, Madurai, had clearly discussed the points and allow the appeal in RCA No.16 of 2012 and set aside the order in I.A. No. 6 of 2011 in RCOP No. 14 of 2010 passed by the learned District Munsif Cum Rent Controller of Madurai Taluk.

9. In the result, the Civil Revision Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The Principal Subordinate Judge cum Rent Control Appellate Authority, Madurai.
2. The District Munsif Cum Rent Controller, Madurai Taluk, Madurai.

Copy to: The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2)

+1cc to Mr.T.R.Jeyapalam, Advocate, SR.No.26180.

C.R.P. (MD) No. 1732 of 2015
17.12.2020

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