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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

REV.APLC.No.163 of 2021

in

C.R.P.No.3367 of 2019

and

C.M.P.No.18416 of 2021

P.Balakrishna

...Petitioner

vs.

M.Nandini

...Respondent

PRAYER: Application filed under Order 41 Rule 1 r/w Section 114 of the Civil Procedure Code to review the order, dated 28.07.2021 made in C.R.P.No.3367 of 2019 passed by this Court insofar the order of eviction of the petitioner, which is against the actual case of the petitioner herein and review the Civil Revision Petition.

Prayer in C.R.P.No.3367 of 2019: Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Central) Act 18 of 1960, against the judgement and decree dated 05/09/2017 in RCA no.6/2015 by the learned Rent control appellate authority the Principal Sub Judge, Chengalpattu there by dismissing the appeal and thereby confirmed the order and decreetal order dated 01/10/2015 in MP No.3/2015 in RCOP No . 8/2014 on the file of the Learned District munsif, Chengalpattu.

For Petitioner : Mr.S.Selvaraj

For Respondent : Dr.S.S.Swaminathan

O R D E R

This Review Application has been filed to review the order dated 28.07.2021, made in C.R.P.No.3367 of 2019 passed by this Court.

2.Heard Mr.S.Selvaraj, learned Counsel for the petitioner. Dr.S.S.Swaminathan, learned Counsel appeared for the respondent, but was not called.



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3.The only ground raised by the petitioner in the Review Petition is that the petitioner had offered to pay the arrears of rent, but, that fact had not mentioned in the order. It had actually been states that there had been no offer to pay arrears.

4.At any rate, that particular sentence should be read in conjunction with the earlier sentence, wherein, the order of the Appellate Authority was discussed and the statement by the Appellate Authority that the tenant/review petitioner had not produced any document to show payment of rent had also been extracted. The learned Counsel for the petitioner states that the petitioner had paid the necessary rents.

5.Now, there an Execution Petition is pending. In the Execution Petition, the issue of rent cannot be examined, unless documents had been produced during trial. If the petitioner/tenant seeks further time to vacate the property, then he has to place such request before the Executing Court. The Executing Court may examine that particular request after hearing the respondent/landlord also.

6.The learned Counsel for the petitioner again insisted that rents have already been paid. That is an issue, which has to be examined only by the Rent Controller and not certainly by the Revision Court. Both the Rent Controller and the Appellate Authority had held that the petitioner had not produced any document to show payment of rent. They are findings of fact. If he had produced documents, then the petitioner could have raised that as a ground before the Rent Controller and the Appellate Authority. If documents are not produced, then it has to be explained, why documents were not produced earlier and naturally the documents now produced will only be viewed suspicion.

7.The Review Court can re-examine the order, only when there is a material error on the face of records. There is no such error pointed out in the Review Petition.

8.Hence, this Review Application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



To

1. The Principal Sub Judge,
(Learned Control Appellate Authority),
Chengalpattu.
2. The District munsif,
Chengalpattu.

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