

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

C.R.P. (NPD) No. 1335 of 2009

R.Krishnammal

... Petitioner

-VS-

K.Murugesan

... Respondent

Prayer:- Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, praying to allow the Civil Revision Petition by setting the Judgment and Decree dated 17.10.2008 passed in R.C.A. No. 5 of 2007 on the file of the Sub-Court, Tiruppur confirming the fair and final order dated 17.11.2006 passed in R.C.O.P. No. 13 of 2004 on the file of the District Munsif Court (Rent Controller), Tiruppur.

For Petitioner : Mr. Sabarish
for Mr. S.K.Rakhunathan

For Respondent : No appearance

ORDER
(through video conference)

There is no representation for the Respondent when the matter is called at 2.30 p.m.

2. Heard Mr. Sabarish, Learned Counsel appearing for the Petitioner and perused the materials placed on record, apart from the pleadings of the parties.

3. The Petitioner, claiming to be the owner of the premises situate at Old Door No. 3, New Door No. 2-A, Konganagiri II Street, 15 Velampalayam Village, Tiruppur said to be occupied by the Respondent, had filed the petition in R.C.O.P. No. 13 of 2004 in the District Munsif Court, Tiruppur under Sections 10(2)(i) and 10(2)(vii) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, for eviction of the Respondent from that premises on the grounds of willful default in payment of rent and denial of title, which after contest was dismissed by order dated 17.11.2006 passed by the District Munsif Court, Tiruppur and confirmed in appeal by order dated 17.10.2008 in R.C.A. No. 6 of 2007 passed by the Sub-ordinate Court, Tiruppur. Aggrieved thereby, the Petitioner has filed this Civil Revision Petition.

4. Learned Counsel for the Petitioner informs that he is unable to contact the Petitioner to ascertain whether the matter remains for consideration at this distance of time despite the time granted by this Court on 25.01.2021 and 03.03.2021 for the same.

5. Having regard to the fact that the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, has been repealed after the filing of the Civil Revision Petition and the Petitioner is entitled to work out his rights for eviction of the Respondent under the provisions of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, which is now in force, it would not be necessary to adjudicate the Civil Revision Petition. It is clarified that no view has been expressed by this Court on the correctness or otherwise of the rival contentions of the parties in these proceedings.

In the result, the Civil Revision Petition is disposed with the aforesaid clarifications. No costs.

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Index: Yes/No

Note: Issue order copy by 17.03.2021.

To

1. The Sub-Court,
Tiruppur.
2. The District Munsif Court,
Tiruppur.

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P.D. AUDIKESAVALU, J.

vjt



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