

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 08.01.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**C.R.P.(P.D).No.2792 of 2019**  
**and M.P.Nos.1 & 2 of 2015**

E.Muthukumaran ...Petitioner

Vs

S.Kanniyappan ...Respondent

**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 27.04.2015 made in C.M.A.No.27 of 2015 on the file of the V Additional City Civil Court, Chennai, confirming the fair and decretal order dated 03.02.2015 made in I.A.No.16945 of 2014 in O.S.No.6295 of 2014 on the file of the XVIII Assistant City Civil Court, Chennai.

For Petitioner : Mr.A.Sundar for  
Mr.K.P.Gopalakrishnan  
For Respondent : No appearance

**ORDER**

The Civil Revision Petition has been filed as against the fair and decretal order dated 27.04.2015 made in C.M.A.No.27 of 2015 on the file of the V Additional City Civil Court, Chennai, thereby confirming the fair and decretal order dated 03.02.2015 made in I.A.No.16945 of 2014 in O.S.No.6295 of 2014 on the file of the XVIII Assistant City Civil Court, Chennai.

2.The petitioner is the plaintiff in the suit, filed for permanent injunction as against the respondent herein. While pending suit, the petitioner filed a petition in I.A.No.16945 of 2014 for interim injunction. The main suit itself for permanent injunction.

3.The learned counsel appearing for the petitioner vehemently contended that both the Courts below failed to consider that the suit property should not be disturbed by the defendant/respondent, except due process of law under the provisions of Tamil Nadu Building Lease and Rent Control Act. He further submitted that the petitioner is the lawful tenant under the respondent and he cannot be evicted except under due process of

law.

4. According to the respondent, the petitioner herein has took the possession of the suit property as a tenant. Thereafter the petitioner himself voluntarily vacated the premises without giving any notice to the respondent, since he was not able to pay the rent and also faced some cheque issue towards the rent. Both the Courts below recorded the submissions made by the respondent that the petitioner issued cheque towards part payment of deposit of rental agreement. Which was returned for want of sufficient funds and dishonored and thereafter he failed to make any arrangements to pay the advance rental payments and as such he himself vacated the premises and left without any notice to the respondent herein. Therefore, both the Courts below concurrently held that the petitioner is not in possession of the suit property and as such both the Courts rightly dismissed the petition filed by the petitioner for interim injunction.

5. In view of the submissions made by the learned counsels on

both side, I find no illegality or infirmity in the orders of the trial Court passed in C.M.A.No.27 of 2015 dated 27.04.2015 and the fair and decretal order made in I.A.No.16945 of 2014 in O.S.No.6295 of 2014 dated 03.02.2015.

6. Therefore, the Civil Revision Petition is dismissed. No costs. Consequently connected miscellaneous petitions are closed.

**08.01.2021**

Index: Yes/No  
Speaking Order: Yes/No  
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To  
1. The V Additional City Civil Court, Chennai.  
2. The XVIII Assistant City Civil Court, Chennai.

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**G.K.ILANTHIRAIYAN.J,**



**C.R.P.(P.D).No.2792 of 2015**

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**08.01.2021**