

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(NPD) No. 1844 of 2018

R.Maheswari Chellappa ... Petitioner

Vs

Athirajan Pandian
rep by Power Agent A.Sukumaran ... Respondent

Prayer :- Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act 1960, to set aside the fair and decretal order dated 27.04.2016 made in RCA No.546 of 2010 on the file of the VIII Small Causes Court/Rent Control Appellate Authority, Chennai, confirming the order and decree dated 01.07.2010 made in RCOP No.1713 of 2017 on the file of the X Small Causes Court/Rent Controller, Chennai.

For Petitioner : Mr.N.Manokaran
For Respondent : Mr.Balan Haridas

ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 27.04.2016 made in RCA No.546 of 2010 on the file of the VIII Small Causes Court/Rent Control Appellate Authority, Chennai, confirming the order and decree dated 01.07.2010 made in

RCOP No.1713 of 2017 on the file of the X Small Causes Court/Rent Controller, Chennai, thereby ordering eviction on the grounds of wilful default, cease to occupy and own occupation.

2. The petitioner is the tenant and the respondent is the landlord. The landlord filed a petition on three grounds i.e., (i) wilful default (ii) cease to occupy and (iii) own occupation. The learned Rent Controller found that there is an irregular payment of claims. The tenant did not come forward to pay the rent regularly and non-payment of rent will attract wilful default. So far as the other ground i.e. cease to occupy is concerned, the tenant had left the petition premises and stayed at Madurai. When the landlord had sent notice, those were received by his counsel. Further, Exs.P10, P.13, P.18 and P.21 were all returned postal covers endorsed as “door locked”. The tenant along with her husband is residing in Madurai and she is not permanently residing in petition premises. Therefore, the learned Rent Controller rightly ordered eviction on the cease to occupy the petition premises. The father of the landlord is residing at Tindivanam, and he is alienating from old age disease. If shifted his residence to Chennai, his son and daughter-in-law will take care of his old age alienation. The landlord also proved that except the

petition premises, no other houses are owned by him in Chennai city. Therefore, the learned Rent Controller ordered eviction on the ground of own occupation. Considering those facts, the learned Rent Control Appellate Authority also confirmed the same.

3. That apart, the counsel for the landlord submitted that already the possession of the petition premises was taken over and the tenant vacated the premises. Therefore, this Court finds no illegality or infirmity in the order passed by the Courts below. Accordingly, the Civil Revision Petition is dismissed. No costs.

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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

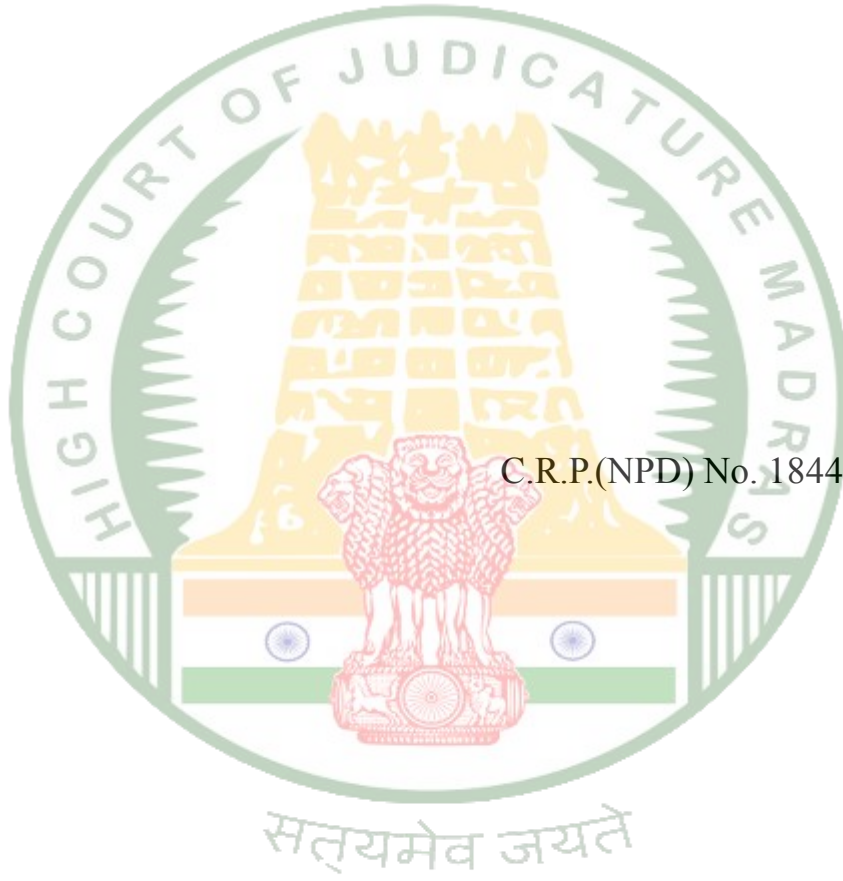
To

1. The VIII Small Causes Court/
Rent Control Appellate Authority,
Chennai.

2. The X Small Causes Court/
Rent Controller,
Chennai.

G.K.ILANTHIRAIYAN.J,

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