

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1492 of 2016

and

C.M.P.No.8182 of 2016

K.Ravi ... Respondent/ Appellant/ Petitioner
Tenant / Petitioner

Vs.

S. Vijayakumar ... Petitioner/ Respondent / Respondent
Landlord/ Respondent

PRAYER : The Civil Revision Petition is filed under Section 25 of Tamilnadu Buildings (Lease & Rent Control) Act, 18/1960 as amended 23 of 1973, seeking to set aside the fair and decretal order dated 11.04.2016 passed in I.A.No.270/2014 in R.C.A.No.3 of 2010 on the file of the Court learned Subordinate Judge, Kancheepuram.

For Petitioner : Mr.J.R.Bhavanantham

For Respondent : Mr.S.Vijakumar

ORDER

(Heard through video conferencing)

This Civil Revision Petition has been filed by the petitioner against the order of the Rent Controller Appellate Authority/Subjudge, Kancheepuram dated 11.4.2016 passed in I.A.270/2014 in Rent Control Appeal No.3/210.

2. The submissions of both side counsels heard.

3. The petitioner is the tenant. He filed a petition to restore the appeal filed before the Rent Control Appellate Authority / Sub judge, Kancheepuram which was dismissed for default on 8/11/13.

4. It is seen from the records that the respondent/ land lord has filed the eviction petition on the ground of wilful default, additional accommodation and demolition and reconstruction. The Rent Controller has allowed the Eviction Petition. However the petitioner/tenant has filed the appeal before the first Appellate authority and challenged the order of eviction. As he failed to appear before the first Appellate authority his appeal was dismissed. Subsequently he filed a petition to restore the same and the said petition was also dismissed.

5. The petitioner has not paid the arrears of rent till now. Without paying the arrears of rent the petitioner can not retain his right to contest the eviction proceedings.

6. During the course of the submissions made by the petitioner, it is stated that the property itself belongs to a temple and the suit for ejection filed against the respondent's father by the temple itself was decreed and it has attained a finality and hence the petitioner is not the owner . However, the petitioner herein is neither an owner and he does not have any better right than either the temple or the petitioner and admittedly he is not a tenant of

the temple. To dispossess the respondent from the demised premises on the strength of the alleged decree is the concern of the temple. In fact the learned Rent Controller has observed that the Executive Officer who has been examined as a witness on the side of the petitioner/ tenant has stated that the temple does not have any interest over the demised premises and it is only the respondent who has an interest. Under such circumstances, I don't find any valid reason for interference.

In the result, the Civil Revision Petition is **dismissed** and the order of the Rent Controller Appellate Authority dated 11.4.2016 passed in I.A.270/2014 in Rent Control Appeal No.3/210, is hereby confirmed. No costs. Consequently, connected miscellaneous petition in C.M.P.No.8182 of 2016, is also closed.

02.07.2021

Speaking/Non-speaking

Index : Yes/No

Internet : Yes/No

jrs

R.N.MANJULA.,J
jrs

To

1. The District Munsif at Kancheepuram.

2.The Section Officer,
V.R.Section,
High Court, Madras.



C.R.P.(NPD).No.1492 of 2016
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