

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (NPD) No.1624 of 2021

T.M.B.Shakera Parveen

...

Petitioner /
Respondent

versus

M/s. Bharat Scans Private Limited,
Represented by its Managing Director
Dr.R.Emmanuel Gunaseelan,
No.197, Peters Road, Royapettah,
Chennai - 600 014.

...

Respondent /
Appellant

PRAYER: Civil Revision Petition has been filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, against the order of the learned VII Judge, Court of Small Causes (Rent Control Appellate Authority), Chennai, made in M.P.No. 3 of 2020 in R.C.A. No. 128 of 2020 dated 15.02.2021.

For Petitioner : Mr.K.Mohan

ORDER

This Civil Revision Petition is filed challenging the order dated 15.02.2021 made in M.P.No. 3 of 2020 in R.C.A. No. 128 of 2020 passed by the learned VII Judge, Court of Small Causes (Rent Control Appellate Authority), Chennai.

2. The learned counsel for the petitioner submitted that, the petitioner, who is the landlord, has filed the petition in R.C.O.P.No.1047 of 2018 for eviction of the tenant / respondent on the ground of willful default. The petitioner has filed the petition under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, in M.P.No.653 of 2018 in R.C.O.P.No.1047 of 2018, for the reasons that, there was arrears of rent. The learned Rent Controller Appellate Authority has passed an order on 26.07.2019, directing the tenant to pay a sum of Rs.17,53,920/- being the rental arrears on or before 25.08.2019, failing payment, it was directed that all further proceedings in the main R.C.O.P. will be stopped and eviction will be ordered.

3. It is the submission of the learned counsel for the petitioner that against this order, the tenant had preferred R.C.A.No.34 of 2020 and it is pending. The tenant has not complied with the order and therefore, the learned Rent Controller Appellate Authority has passed the consequential order of stopping all further proceedings on 26.08.2019. Against that consequential order, the tenant preferred R.C.A.No.128 of 2020. He also filed M.P.No.3 of 2020 in R.C.A.No.128 of 2020 seeking interim stay. The learned Rent Controller Appellate Authority considered the rival submissions and passed an order of interim stay on condition that the arrears of rent of Rs.8,33,112/- has to be paid by the tenant on or before 15.03.2021 and granted interim stay, till 15.03.2021. Against this order, the present Civil Revision Petition is filed.

4. Heard the learned counsel for the petitioner.

5. This Court enquired the learned counsel for the petitioner as to whether the tenant has complied with the directions given by the learned Rent Controller Appellate Authority in M.P.No.3 of 2020 in

R.C.A.No.128 of 2020 and paid the rent arrears as directed, the learned counsel for the petitioner submitted that the tenant had paid the amount, of course with the delay. There are 5 other connected similar matters have come up for hearing before this Court and similar conditional orders had also been passed in those cases as well. The learned counsel for the petitioner also submitted that in those matters, the tenant had complied with the condition of the learned Rent Controller Appellate Authority and paid the rental arrears as directed. Thus, it is seen that 50% of the rental arrears had been paid and the order seems to be very reasonable and justifiable in the facts and circumstances of the case. Therefore, this Court does not find any reason to interfere with the order of the learned VII Judge, Court of Small Causes (Rent Control Appellate Authority), Chennai.

6. The learned counsel for the petitioner submitted that the arrears is huge and still there is arrears, therefore, he prays for fixing the time frame for the disposal of this R.C.A.No.128 of 2020. He also submitted that the tenant is not regular in paying the monthly rent. Considering his submissions and also the fact that the issue involved in this R.C.A. is

limited in nature, this Court directs the learned VII Judge, Court of Small Causes (Rent Control Appellate Authority), Chennai, to dispose of R.C.A.No.128 of 2020, as expeditiously as possible, preferably, within a period of three (3) months from the date of receipt of a copy of this order.

7. This Civil Revision Petition is disposed of accordingly.
However, there is no order as to costs.

17.08.2021

Speaking order / Non-speaking order
Index : Yes / No

sri

To

The VII Judge, Court of Small Causes
(Rent Control Appellate Authority),
Chennai.

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G.CHANDRASEKHARAN, J.

sri



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