

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

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

CRP.NPD.No.2665 of 2018

P.Yunus

..Petitioner

Vs.

Abdul Majid

..Respondent

PRAYER:

The Civil Revision Petition is filed under Section 25 of Tamil Nadu (Lease and Rent Control) Act 1960 against the fair order and decretal order dated 16.12.2016 passed in RCA.No.457 of 2010 on the file of VII Judge, Small Causes Court, Chennai against RCOP.No.2498 of 2008 on the file of XIII Judge, Small Causes Court, Chennai

For Petitioner : M/s.R.Rajaramani

For Respondent : Mr.N.A.Nissar Ahmed

ORDER

This Civil Revision Petition is filed against the fair order and decretal order dated 16.12.2016 passed in RCA.No.457 of 2010 on the file of VII Judge, Small Causes Court, Chennai, thereby confirming the fair and decretal order dated 29.06.2010 passed in

RCOP.No.2498 of 2008 on the file of XIII Judge, Small Causes Court, Chennai thereby dismissing the petition for eviction.

2. The petitioner is the landlord and the respondent is the tenant. The petitioner filed petition for eviction on the ground of wilful default and owner's occupation in respect of petition premises. According to the petitioner, the respondent is the tenant for the petition premises owned by him on monthly rent of Rs.125/-. The respondent is a chronic defaulter in payment of rent in respect of the demised portion and he was also irregular in payment of rent till February 2006 and failed to pay rent from the month of March 2006, thereby the respondent has committed wilful default in payment of rent. Further stated that the respondent denied the title of the petition premises. Whereas the case of the respondent is that, he is residing in the premises at Door No.55/23B, Khudrathali Makkan, Dr.Natesan Road, Chennai-5 and he is a tenant under the Tamil Nadu Wakf Board. He obtained electricity connection. Therefore, there is no landlord tenant relationship between the petitioner and the respondent. Hence, there is no liability to pay any rent to the petitioner.

3. The petitioner marked Ex.P2 to P6 and disclosed that all the receipts related to Door No.55/23. Whereas the respondent

produced Ex.R1 to R2 to show that he is residing on the residential portion of Door No.55/23B. That apart, in the cross examination of PW1, he stated that he did know when he let out the petition premises to the respondent and he also failed to produce any rental agreement to prove the landlord tenant relationship between the petitioner and the respondent. If the petitioner is the owner of the superstructure, he has to produce the document to prove the same and in the absence any proof, the contention of the petitioner is not acceptable. Therefore, the learned Rent Controller rightly dismissed the petition for eviction and the same was also confirmed by the learned Rent Control Appellate Authority. Therefore, this Court finds no infirmity or irregularity in the orders passed by the courts below.

4. Accordingly, this civil revision petition is dismissed. However, the petitioner is at liberty to approach the civil court to prove his title in respect of the petition premises. No order as to costs.

30.04.2021

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

G.K.ILANTHIRAIYAN,J.

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To

- 1.The VII Judge,
Small Causes Court,
Chennai
- 2.The XIII Judge,
Small Causes Court,
Chennai



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