



C.R.P(NPD)No.1360 of 2021
and CMP.No.10557 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(NPD)No.1360 of 2021

and

CMP.No.10557 of 2021

Access represented by its,
Chief Executive Tejindir Singh,
Shop No.2, G2, Gems Coat,
D.No.14, Khader Nawaz Khan Road,
Nungambakkam, Chennai – 6.

..Petitioner

Vs.

1.Tahseen Jehan Ahmed

2.Nazheen Jehan Ahmed

both represented by their mother &
Power Agent, Dr.Chand Begum

..Respondents

Prayer: Civil Revision Petition filed under Section 25 of the Tamilnadu Buildings (Lease & Rent Control) Act, against the decree and judgment of the Rent Control Appellate Authority dated 04.02.2021 made in RCA.No.464 / 2016 on the file of the VII-Judge, Small Causes Court, Chennai in confirming the decree and order dated 05.07.2016 passed in MP.No.250 of 2016 in RCOP.No.568 of 2014 on the file of the X-Judge, Small Causes Court, Chennai.



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For Petitioner : Mr.C.R.Rukmani
For Respondents : Mr.K.V.Sundarrajan

ORDER

Challenge in this revision is to the order of the learned Rent Controller, rejecting an application of the petitioner, seeking leave to file additional counter in a rent control original proceeding launched under Section 10(3)(a)(iii) of the Tamilnadu Buildings (Lease and Rent Control) Act by the landlord, seeking eviction on the ground of bonafide requirement for own use and occupation. At the time when the matter was posted for arguments, the above application came to be filed and all that is sought to be raised in the additional counter is that the mother of the petitioners for whose requirement to the premises is sought for owns a better accomodation and the petition premises is not suited for her Clinic, which is the purpose for which eviction is sought for.

2.It is a settled law that the tenant cannot dictate terms to the



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landlord as to how and where he/she or any of the family members should carry on his / her profession. The application has been rejected by the Rent Controller and the Appellate Authority on the ground that it is belated and only an attempt to drag on the proceedings. By this process, the petitioner / tenant has gained five years, since the application was filed in the year 2016.

3. In view of the same, I do not see any reason to entertain the revision. This civil revision petition therefore, fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed. It is made clear, the Rent Court is directed to dispose of RCOP.No.568 of 2014 within a period of three months from the date of receipt of a copy of this order.

20.12.2021

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R.SUBRAMANIAN, J.

KKN

To:-

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

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