

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P. No.1322 of 2021
and C.M.P.No.10291 of 2021
(Through Video Conference)

N. Raghuraman
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Qatar, Rep. By his Power of Attorney,
V.N. Muruganandam, S/o.V. Batarajan,
12/31, Thiruvalluvar St, Nilamangai Nagar,
Adambakkam, Chennai – 88. .. Petitioner

Vs.

S. Gayathri .. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the petition and docket order dated 23.12.2020 granting interim stay (unconditional) passed in M.P.No.1/2020 in R.C.A No.137/2020 on the file of IX Small Causes Court at Chennai (FAC) by allowing the revision petition.

For Petitioner : M/s.S. Balaji

For Respondent : M/s. G. Appavu

O R D E R

This petition is filed for setting aside the order passed in MP No.1/2020 in RCA No.137 of 2020 on the file of IX Small Causes Court Chennai.

2. Learned counsel for the petitioner submitted that he filed RCOP No.8/2019 against the respondent for eviction on the grounds of wilful default and owners occupation. During the pendency of the main RCOP No.137 of 2013, he filed M.P.No.133/2019 under Section 11(4) of the Tamil Nadu Buildings Lease and Rent Control Act for claiming arrears. Monthly rent was Rs.23,000/-. At the time of filing 11(4) petition, there was arrears of eight months to the tune of Rs.2,24,000/-. The Learned Rent Controller, after considering the submissions made by both the parties, allowed the petition and directed the respondent to pay the petitioner a sum of Rs.3,35,000/- being rental arrears from May 2018 to December 2019 at the rate of Rs.25,000/- per month on or before 19.12.2019, failing which, all further proceedings would be stopped in the main RCOP. The respondent was also directed to pay the subsequent rent at the rate of Rs.25,000 per month on or before 5th day of every

English calendar

month. Since the respondent did not comply with the order passed in the 11(4) petition, further proceedings was stopped and eviction was ordered on 10.11.2020. The respondent preferred RCA No.133 of 2020 and he filed MP No.1 of 2020 for stay.

3. The learned counsel for the petitioner further submitted that without considering the huge arrears, the learned Rent Control Appellate Authority has granted stay of further proceedings of executing the decretal order in RCOP No.8 of 2019. Against the said order, the present Civil Revision Petition is preferred.

4. The learned counsel for the petitioner further submitted that the arrears is to the tune of Rs.8,60,000/- as on 31.07.2021. Thus, without directing the tenant to deposit arrears of rent, grant of stay is seriously prejudiced the petitioner landlord. The respondent is squatting on the property without paying any rent. Therefore, the stay granted by the learned Rent Control Appellate Authority has to be set aside.

5. In response, the learned counsel for the respondent submitted that the respondent has made certain payments and has receipts to prove her payment. That apart, she also spent some money for repairs. He further submitted that the landlord is in Dubai and only the Power of Attorney is conducting the proceedings. Whatever be the case, the tenant has accepted to pay the rent.

6. In The case before hand, even after passing an order in the 11(4) petition, directing the respondent/tenant to pay the rent of Rs.3,35,000/-, the tenant has not chosen to pay the arrears of rent. He filed an appeal. The learned appellate Court, without considering the huge arrears, granted stay in a routine manner. That cannot be appreciated in the light of the huge arrears. Therefore, this Court directs the respondent to deposit 50% of the arrears of rent as on 31.07.2021 from May 2019 to 31.07.2021 before the learned Rent Controller Appellate Authority within four weeks from the date of receipt of a copy of this order, failing the deposit, the learned Rent Control Appellate Authority is directed to vacate the stay and proceed with the matter. The tenant is directed to continue to pay the future rents without any default.

7. Accordingly, this Civil Revision Petition is disposed of. No costs.
Consequently connected Miscellaneous Petition is closed.

31.08.2021

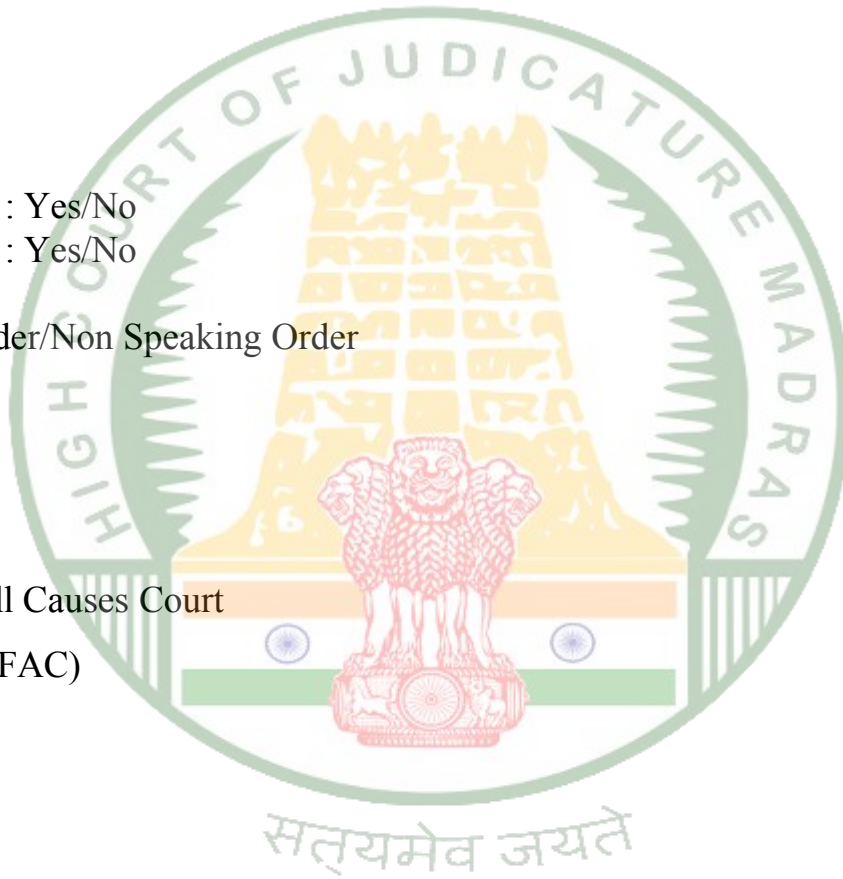
Index : Yes/No

Internet : Yes/No

Speaking order/Non Speaking Order

RAP/RR

To
The IX Small Causes Court
at Chennai (FAC)



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G.CHANDRASEKHARAN, J.,

RAP/RR



Order made in
C.R.P.No.1322 of 2021
and C.M.P.No.10291 of

2021

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