

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.NPD No.2614 of 2019
and
C.M.P. No. 17279 of 2019 & 16901 of 2021

Venkatesan,
S/o. O.K.Sivaraman

... Petitioner

Versus

T.M.Arumugam,
S/o. Muthusamy

... Respondent

PRAYER : Civil Revision Petition is filed under Sec.25(1) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, praying to set aside the order made in judgment and decree dated 01.03.2019 in R.C.A.No.1 of 2018 passed by the Sub-Court, Omalur, Salem District (Rent Control Appellate Authority) confirming R.C.O.P.No. 2 of 2014 dated 27.07.2015 passed by the District Munsif cum Judicial Magistrate, Omalur (Rent Controller) and set aside the same.

For Petitioner : No appearance

For Respondent : No appearance

ORDER

(This case has been heard through video conference)

This Civil Revision Petition has been filed seeking to set aside the order passed in R.C.A.No.1 of 2018 passed by the Sub-Court, Omalur, Salem District (Rent Control Appellate Authority) confirming the order passed in R.C.O.P.No.2 of 2014, dated 27.07.2015 by District Munsif cum Judicial Magistrate, Omalur (Rent Controller).

2. The Revision Petitioner is the tenant, against whom, a petition in R.C.O.P.No.2 of 2014 was filed by the respondent/landlord for eviction on the ground of Sec.10(2)(i), 10(3) and 14(1)(b) of Tamil Nadu Buildings (Lease and Rent Control) Act. The said R.C.O.P. was contested by the tenant. On hearing both sides, the learned Rent Controller has allowed the petition in favour of landlord and one month time was granted to vacate the premises. Against which, an appeal R.C.A.No.1 of 2018 was filed by the petitioner/tenant on the file of Rent Control Appellate authority (Sub-

Judge), Omalur. The said appeal was also contested by the landlord. On hearing both sides, the Rent Control Appellate Authority has also dismissed the appeal.

3. Considering the fact that the property is required for own occupation for the landlord with the bonafide intention and also observed that the tenant has not paid the rent regularly and committed willful default. Further, at the time of passing of order, the landlord was aged about 82 years and the reason for his own purpose is bonafide one. Accordingly, R.C.A. was dismissed. Aggrieved that order, he has preferred this Revision Petition. At the time of enquiry, it was stated that there is arrears of rent and the revision petitioner has not taken any steps to deposit the rent in spite of the order passed in the R.C.O.P. proceedings. When the respondent has committed default, both the courts below have factually and legally considered the facts and dismissed the R.C.O.P. as well as R.C.A. filed by the Revision Petitioner, which requires no interference of this court. Accordingly, this Civil Revision Petition is dismissed as no merits. However, the Revision Petitioner is directed to vacate the premises within a period of two months

from the date of receipt of copy of this order. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

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Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

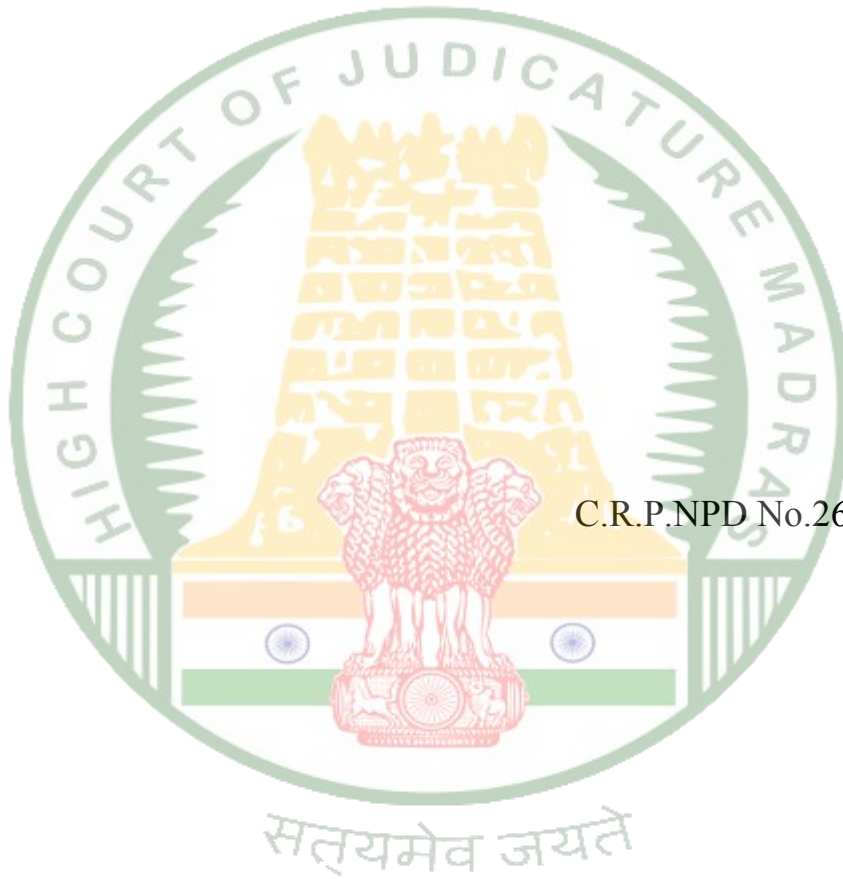
1. Sub-Judge,
Sub-Court, (Rent Control Appellate
Authority), Omalur, Salem.
2. District Munsif cum Judicial Magistrate,
(Rent Controller), Omalur, Salem.



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T.V.THAMILSELVI, J.

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