

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

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

CRP.NPD.No.1980 of 2004
and
CMP.No.24287 of 2019

N.Manick Chettiar

..Petitioner

Vs.

1.Tharani(deceased)
2.Aruna Padmanabhan
3.Sridhar
4.Priya

(RR2 to 4 brought on record as LR of the deceased sole respondent vide order of court dated 18.03.2014 made in CMP.Nos.1060 to 1062 of 2012 in CRP.No.1980 of 2004)

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings Lease and Rent Control Act against the order dated 05.02.2004 made in RCA.No.15 of 1994 on the file of the Subordinate Judge, Vellore.

For Petitioner : M/s.U.Archana
for Mr.C.Ramesh

For Respondents

R1 :Died(steps taken)
For R2 & 3 : Mr.T.M.Hariharan
R4 : Not ready in notice

ORDER

The civil revision petition is arising out of order dated 05.02.2004 made in RCA.No.15 of 1994 on the file of the Subordinate Judge, Vellore thereby confirming the order passed in RCOP.No.4 of 1991 thereby dismissing the petition for eviction filed by the petition herein.

2. The petitioner is the landlord. The respondent is the tenant. The petitioner rented out the petition premises shop No.63 and 64 initially for the rent of Rs.50/- and it was from time to time increased upto Rs.650/-. The petition premises is aged about 60 years and in dilapidated condition. Further, the petitioner is carrying on jewellery and money lending business in a small scale in a residential portion. Therefore, he wanted to expand his business. Therefore, he filed petition for eviction on the ground of owner's occupation as well as demolition and reconstruction in respect of petition premises. The petitioner was examined as PW1 and the engineer who inspected the petition premises was examined as PW2. On the side of the petitioner he also marked Ex.A1 to A9 in support of his case. The respondent examined D1 and D2 and marked Ex.B1 to B17. The learned Rent Controller after considering the evidence let in by both sides dismissed the RCOP and the same was also confirmed by the learned Rent Control Appellate Authority.

3. The learned counsel for the petitioner submitted that admittedly the age of the building is more than 60 years even in the year 1991 at the time of filing eviction petition. Now after period of thirty years, the condition of the building is still worst and as such the petition premises has to be demolished and reconstructed. Further submitted that the petitioner is now aged about 80 years and he is running jewellery business and also money lending business. Though he did not want to continue the jewellery business, he wants to expand the money lending business. Admittedly, he is carrying on his business in the residential portion and as such therefore, he is in dire requirement of the petition premises to carry on his own business.

4. Per contra, the learned counsel for the respondents submitted that the petitioner was examined as PW1. He categorically deposed that the petitioner did not produce any income tax returns to show that to develop and to expand his business, he requires the petition premises. Further he himself categorically admitted that he is going to quit the business of jewellery and he wants to continue the money lending business. Already he is carrying out his business in his residence itself and to do the money lending business, he does not require any other premises. Therefore, the requirement is not bonafide one. In respect of other ground raised by the petitioner is that, demolition and reconstruction of the petition premises. Though the engineer was examined as PW2, no inspection report was marked before the learned Rent Controller. Therefore, the age of the building was not proved by the petitioner herein. Further he only produced new plan for new building but without producing any order of demolition in respect of building premises. It

shows that the building is in very good condition. As on today, the respondents are carrying on their business in the petition premises.

5. Heard M/s.U.Archana, the learned counsel for the petitioner and Mr.T.M.Hariharan, the learned counsel for the respondents 2 & 3.

6. The petitioner filed petition for eviction on two grounds such as owner's occupation as well as demolition and reconstruction. Admittedly, the petitioner deposed that he is going to quit the business of jewellery and to continue the business of money lending. Even according to him, he is running money lending business in his residential premises. He also failed to mark any tax returns to show that he is doing money lending business. Though he examined PW2, engineer who inspected the petition premises, he failed to mark any inspection report and also report about the petition premises. There is no proof to show that the building is in dilapidated condition and also aged more than 60 years. On verification even till today, the respondents are carrying out their business and it shows that the petition premises is in a good condition. Therefore, the court below rightly dismissed the petition on both the grounds. As such, there is no infirmity or illegality in the order passed by the court below.

7. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1. The Subordinate Judge, Vellore.
2. The District Munsif Vellore

Copy to

The Section officer
VR Section
High Court,
Madras-104

+1 cc to M/s.C.Ramesh Advocate sr5995

CRP.NPD.No.1980 of 2004

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