



CRP (NPD) Nos. 2735, 2736 & 2737 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.12.2021**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (NPD) Nos.2735, 2736 & 2737 of 2021
and
CMP Nos. 19998, 19999 & 20001 of 2021

Leo Ambroise

... Petitioner/Appellant/Petitioner/Tenant/Respondent

Vs

Geethalakshmi

... Respondent/Respondent/Respondent/Landlady/Petitioner

PRAYER in C.R.P.(NPD)No. 2735/2021: Civil Revision Petition filed under Section 25 of the Pondicherry Buildings (Lease and Rent Control Act, 1969), to set aside the order and decretal order dated 05.04.2021 passed by the II Additional District Judge, Puducherry in R.C.A.No. 04 of 2021 confirming the order and decretal order dated 18.03.2020 passed by the Rent Controller-II, Puducherry in I.A.No. 98 of 2020 in H.R.C.O.P.No. 30 of 2014.



CRP (NPD) Nos. 2735, 2736 & 2737 of 2021

PRAYER in C.R.P.(NPD)No. 2736/2021: Civil Revision Petition filed under Section 25 of the Pondicherry Buildings (Lease and Rent Control Act, 1969), to set aside the order and decretal order dated 05.04.2021 passed by the II Additional District Judge, Puducherry in R.C.A.No. 05 of 2021 confirming the order and decretal order dated 18.03.2020 passed by the Rent Controller-II, Puducherry in I.A.No. 99 of 2020 in H.R.C.O.P.No. 30 of 2014.

PRAYER in C.R.P.(NPD)No. 2737/2021: Civil Revision Petition filed under Section 25 of the Pondicherry Buildings (Lease and Rent Control Act, 1969), to set aside the order and decretal order dated 05.04.2021 passed by the II Additional District Judge, Puducherry in R.C.A.No. 02 of 2021 confirming the order and decretal order dated 18.03.2020 passed by the Rent Controller-II, Puducherry in I.A.No. 122 of 2020 in H.R.C.O.P.No. 30 of 2014.

For Petitioner in
all C.R.Ps. : Mr. Sharath Chandran

For caveator in
all C.R.Ps. : Mr.R.Thiagarajan



COMMON ORDER

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The Tenant, whose eviction is sought for in HRCOP No. 30 of 2014 has come up with these Revisions challenging the concurrent orders of the authorities under the Pondicherry Buildings Lease and Rent Control Rules, rejecting his claim for referring the signature of the predecessor in interest of the landlord found in Ex.R-10 with the admitted signature.

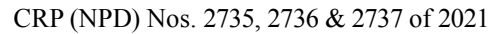
2. The eviction proceedings were launched by the respondent seeking eviction of the tenant. The tenant is resisting the eviction contending that he has paid certain amounts to the predecessors in interest of the landlord and those amounts will have to be adjusted from the rent. If there is such adjustment, according to the tenant, there would not be any arrears of rent. In order to prove his contention that the predecessor in interest of the landlord Dr.G.Annamalai had admitted receipt of Rs.10,76,400/- and allowed the tenant to occupy the premises till such time it is repaid in a letter and that was marked as Ex.R-10.



3. The present landlord, who has purchased the property from the said Dr.G.Annamalai, denied execution of the said letter by the Dr.G.Annamalai. After the evidence was over and when the proceedings were posted for want of documents, the tenant filed I.A.No. 98 of 2020 seeking the above said relief of having the signature compared.

4. This was resisted contending that the letter which has been marked as Ex.R-10 though bears the date 27.09.2009 was not projected earlier in point of time. In fact the eviction proceedings were proceeded by notice and a reply. The RCOP filed in the year 2014, a counter was also filed and evidence was also let in. In none of the earlier occasions, the tenant projected this letter dated 29.07.2009.

5. The Rent Controller, who heard the application rejected it on the ground of delay and on the ground of non disclosure earlier in point of time. Aggrieved, the tenant preferred an Appeal in R.C.A.No. 4 of 2021. The Appellate Authority also concurred with the findings of Rent Controller and dismissed the Appeal. Hence, these Civil Revision Petitions.



7. Mr. Sharath Chandran, learned counsel for the petitioner would contend that if not for comparison atleast for the purposes of Section 7(2) of the Act in order to show that the landlord has got more than a month's rent with him and therefore eviction on the ground of default cannot be sought for and the letter would be relevant and therefore, the tenant should be given an opportunity to prove the letter.

5/7



CRP (NPD) Nos. 2735, 2736 & 2737 of 2021

authorities, who have applied their mind to the issue and have concluded that non disclosure of the document earlier in point of time and the attempt made after the completion of the evidence cannot be accepted.

9. Hence, I do not find any reason to interfere with the orders of the authority. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.12.2021

vs

Index: Yes/No

Speaking order / Non speaking order

To:

1. Additional District Court, Puducherry.

2. The Section Officer,
VR Section,
Madras High Court, Chennai.



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R.SUBRAMANIAN, J.

Vsg

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