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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM :

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P.No.2391 of 2021

and

C.M.P. No. 18152 of 2021

Mumtaj

...Petitioner/Tenant

Vs

S. Chitra

...Respondent/Landlady

PRAYER : Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 praying to set aside the fair order and decreetal order dated 09.09.2021 in M.P. No. 1 of 2021 in R.C.A. No. 148 of 2021 on the file of VII Small Causes Court at Chennai by allowing the above C.R.P. with costs.

For Petitioner : Mr. G.V.Sridharan

O R D E R

This Petition is filed challenging the order passed in M.P. No. 1 of 2021 in R.C.A. No. 148 of 2021 on the file of VII Small Causes Court, Chennai.

2. The Learned Counsel for the Petitioner submitted that the Respondent filed Petition under Section 10(2)(i) of the Tamil Nadu Buildings (Lease and Rent Control) Act for eviction of Petitioner. Pending the Eviction Petition, the Respondent filed M.P. No. 123 of 2019 under Sections 11(3) and 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act claiming arrears of rent from March 2016 to March 2019 at the rate of Rs. 20,000/- per month. On considering the rival submissions, the Learned Rent Controller directed Petitioner to pay a sum of Rs. 12,45,000/- being the rental arrears from January 2016 to July 2021 on or before 09.09.2021. Challenging the said order, Petitioner preferred R.C.A. No. 148 of 2021 and filed M.P. No. 1 of 2021 for stay of further proceedings in pursuance to the order passed in M.P. No. 123 of 2019. The Learned VII Judge, Court of Small Causes, Chennai directed Petitioner to deposit Rs. 7,00,000/- towards arrears of rent into the Court on or before 23.09.2021, failing which interim stay stands automatically vacated. Now, this Civil Revision



Petition is filed challenging the order passed by the Learned VII Judge, Court of Small Causes, Chennai on 09.09.2021.

3. The Learned Counsel for the Petitioner submitted that Petitioner had spent Rs. 8,21,700/- towards construction of building and superstructure in the schedule mentioned premises and therefore, asking her to pay Rs. 12,45,000/- towards arrears of rent and Rs. 7,00,000/- for granting of stay is not reasonable. It is also submitted by Petitioner that due to prevailing pandemic situation, shop was closed for the last one and half years. Therefore, the Learned Counsel for the Petitioner seeks modification of the order.

4. Considered the submission of the Learned Counsel for the Petitioner and perused the records.

5. The records show that Petitioner is not paying the rent regularly. There is a specific finding of the Learned Rent Controller that Petitioner had not paid rents from January 2016 to July 2021 amounting to the arrears of rent of Rs. 12,45,000/-. Petitioner cannot remain in the property without paying the rent. The issue as to whether Petitioner had spent Rs. 8,21,700/- for construction of building and superstructure and whether it was constructed with the permission of the landlord are the matters for consideration in the enquiry in the main petition. As of now, it was found by the Courts below that there was arrears of rent from January 2016 to July 2021. The other reason that due to pandemic situation, the shop was closed, especially for the past one and half years, cannot be a ground for showing any indulgence. The pandemic situation has put everyone to some sort of difficulty or stress. It is apparent that from January 2016, prior to the on-set of present pandemic situation, Petitioner has not paid rent. Therefore, this Court is of the considered view that Petitioner is not entitled for any indulgence from this Court. Therefore, this Court does not want to interfere with the order of the Learned VII Judge, Court of Small Causes, Chennai. Hence, the order of the Learned VII Judge, Court of Small Causes, Chennai passed in M.P. No. 1 of 2021 in R.C.A. No. 148 of 2021 is confirmed.

6. Resultantly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar



To

The Judge,
VII Small Causes Court,
Chennai.

+1cc to Mr.G.V.Sridharan, Advocate SR. No.56861

C.R.P.No.2391 of 2021
and
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NMI (CO)
PR (21/12/2021)