



C.R.P(NPD).No.2643 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

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M/s.Sri Vignesh Traders,
Rep. By its Proprietor,
K.Ravikumar,
S/o.Kesavan Nair,
122 (Shop No.3),
Dr.Nanjappa Road,
Coimbatore – 641 018.

..Petitioners

Vs.

The Coimbatore City Co-operative Bank Ltd.,
K-5496, rep. By its Managing Director,
119, Dr.Nanjappa Road,
Coimbatore – 641 018.

..Respondent

Praye: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Lok Adalat Award dated 09.09.2017 made in RCOP.No.87 of 2016 on the file of the learned Rent Controller / Principal District Munsif Court, Coimbatore.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.L.P.Shanmugasundaram



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ORDER

The petitioner, who is the tenant challenges the Lok Adalat award dated 09.09.2017 made in RCOP.No.87 of 2016.

2.The petition in RCOP.No.87 of 2016 was filed by the landlord, which is a Co-operative Society seeking eviction under Section 10(2)(i) and 10(3)(a)(iii) of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960 on the ground that the tenant committed wilful default and the landlord required the premises for its own occupation.

3.Pending the Rent Control Petition, the parties went before the Lok Adalat and an award came to be passed on 09.09.2017, granting time to the tenant to vacate and handover possession till 30.04.2019. Since the petitioner did not vacate, the landlord launched the execution proceedings in EP.No.158 of 2019 and delivery was ordered in the execution proceedings. Thereafter, the tenant filed an application under Section 47 questioning the power of Lok Adalat to record a compromise in a matter, which falls under the Tamilnadu Buildings (Lease and Rent Control) Act. The said petition was returned unnumbered, questioning the maintainability. A revision was



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filed against the said order in CRP.No.2649 of 2021 and it was also dismissed. Even before that the order directing delivery was challenged before this Court in CRP.No.2122 of 2021, which was also dismissed by this Court on 04.10.2021. This 3rd revision is filed, questioning the validity of the Lok Adalat award.

4.The main contention that is raised in this petition is that the buildings belonging to the Co-operative Society are exempt from the applicability of the Tamilnadu Buildings (Lease and Rent Control) Act and therefore, proceedings in RCOP.No.87 of 2016 itself would not lie and hence, the award of the Lok Adalat is bad. This Court has held that it is open to the landlord to waive the exemption and seek eviction under the Tamilnadu Buildings (Lease and Rent Control) Act. The landlord had sought for eviction. The tenant, who was represented by a learned counsel had submitted to the jurisdiction and gone before the Lok Adalat. The Lok Adalat has passed an award. The tenant has availed the benefit of time granted by the Lok Adalat. It is thereafter, after having failed in his attempts to avoid delivery in the execution proceedings, the tenant has come up with this revision.



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5.As already pointed out, the only ground that is canvassed is that the buildings owned by Co-operative Societies are exempt from provisions of Tamilnadu Buildings (Lease and Rent Control) Act. The said contention is not available to the tenant as it is open to the landlord to waive that right and submits itself to the jurisdiction of the Court under the Tamilnadu Buildings (Lease and Rent Control) Act. Hence, I do not find any merit in this revision petition. This civil revision petition therefore, fails and it is accordingly, dismissed. No costs.

02.12.2021

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To:-

The Principal District Munsif Court,
Coimbatore.



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R.SUBRAMANIAN, J.

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