

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.12.2020

PRONOUNCED ON : 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CRP(NPD)No.293 of 2017

CMP.No.1313 of 2017

(Through Video Conferencing)

A.Natarajan

Petitioner

Vs

Kaleem Sait

Respondent

Prayer:- This Civil Revision Petition has been filed, under Section 227 of the Constitution of India, to set aside the judgement and decreetal order dated 08.11.2016, made in RCA.No.18 of 2015, by the Subordinate Judge, Nilgiris at Udthagamandalam, confirming the fair and final order dated, 27.02.2015, made in RCOP.No.20 of 2012, by the Rent Controller, Ootacamund, The Nilgiris.

For Petitioner : Mr.V.Bhavani Subbaroyan

For Respondent : No Appearance (Party in Person)

ORDER

1. This Civil Revision Petition has been filed, to set aside the judgement and decreetal order, dated 08.11.2016, made in RCA.No.18 of 2015, by the Subordinate Judge, Nilgiris at Udthagamandalam, confirming the fair and final order, dated, 27.02.2015, made in RCOP.No.20 of 2012, by the Rent Controller, Ootacamund, The Nilgiris.
2. The facts of the case, in a nutshell, are that the Tenant is the Petitioner and

the landlord is the Respondent. The tenanted premises is at Door No.147/158, Fernwod Cottage, Onslow Road, Ootacamund for a monthly rent. According to the landlord, the tenant has wilfully defaulted in payment of rent for 22 months and committed acts of waste. Hence, the tenant has filed RCOP.No.20 of 2013 before the Rent Controller for eviction. By the impugned order, eviction was ordered on the ground of wilful default in payment of rent alone. As against the same, the tenant has filed RCA.No.18 of 2015 before the Appellate Authority. By the impugned judgement, the Appellate Authority had dismissed the appeal, confirming the order of the Rent Controller. Hence, this Civil Revision Petition has been filed by the tenant.

3. The learned counsel for the Petitioner/tenant has submitted that only in order to increase the rent, the landlord has initiated eviction proceedings and that the landlord has increased the rent from Rs.800/- to Rs.1,500/- and that both the courts below have failed to appreciate the fact that the RCOP.No.1 of 2012, seeking to deposit the monthly rent was filed by the tenant and that when the tenant was ready and willing to pay the agreed rent and as the Respondent has refused to receive the rent, both the courts below erred in coming to the conclusion that the tenant did not even pay the admitted arrears of rent and ordering eviction and in such circumstances, this Civil Revision Petition is to be allowed.
4. This court heard the learned counsel for the Petitioner and also carefully perused the materials placed on record.

5. On a perusal of the records, it is seen that the relationship of tenant and landlord between the parties is not in dispute, however, the quantum of rent alone is disputed. The rent was originally fixed at Rs.800/- per month and it was subsequently allegedly enhanced to Rs.1500/-.
6. The tenant himself has admitted that the rent was paid at the rate of Rs.800/- per month till July 2011. Though there is document to show that the rent was enhanced to Rs.1,500/-, it is not accepted by the tenant. Hence, the admitted rent could be taken as Rs.800/.
7. It is obligatory on the part of the tenant to pay the rents regularly month after month. The tenant in his evidence has admitted that from 2008, he has not tendered the rent properly. Having committed default in payment of rent and having not agreed to tender the enhanced rent, the tenant did not chose to tender even the admitted rent in a proper manner. However, he has paid the arrears of rent in part only on 24.09.2013, much belatedly. Thus, it would amount to commission of default in payment of rent. Further, no appeal has been preferred by the tenant as against the dismissal of RCOP.No.1 of 2012, filed to deposit the rent into the Court, which fact is also not in dispute.
8. This Court is of the view that considering the aforesaid aspects, both the courts below have rightly ordered eviction of the tenant on the ground of the wilful default in payment of rent, which warrants no interference by this Court.
9. In fine, this Civil Revision Petition is dismissed. No costs. Consequently, the connected MP is closed.

16.02.2021

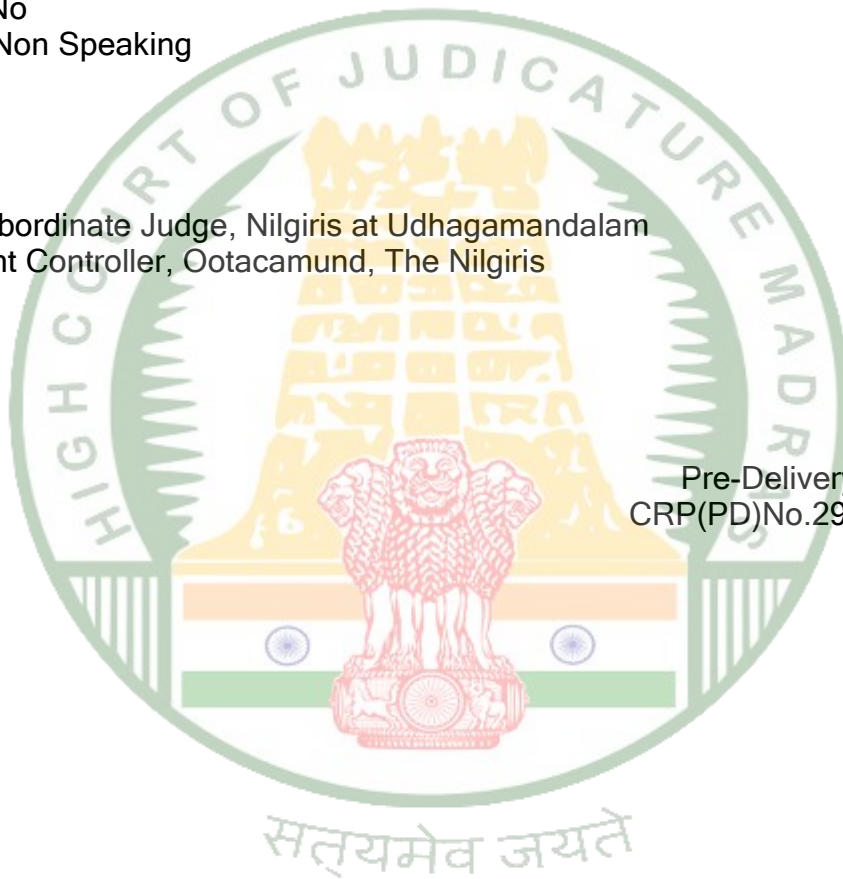
A.A.NAKKIRAN, J.

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Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
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To

1. The Subordinate Judge, Nilgiris at Udhagamandalam
2. The Rent Controller, Ootacamund, The Nilgiris



Pre-Delivery Order in
CRP(PD)No.293 of 2017

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