



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 08.04.2021
Pronounced on : 19.04.2021

CORAM

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P (MD) No.534 of 2021

and

C.M.P (MD) No.2857 of 2021

Krishnan

: Petitioner/ Appellant/
Petitioner/Tenant

Vs.

Kuruvammal

...Respondent/ Respondent/
Respondent/Landlady

PRAYER:- Civil Revision Petition filed under Section 25 of the Tamil Nadu Building (Lease and Rent Control) Act 1960, to set aside the fair order and decretal order dated 05.01.2021 passed in R.C.A.No.8 of 2015 on the file of the Rent Control Appellate Authority, (Principal Sub Court, Tenkasi), confirming the Fair order and Decretal order dated 04.08.2015 passed in I.A.No.34 of 2015 in R.C.O.P No.27 of 2011 on the file of the Rent Control Tribunal (Principal District Munsif Court, Tenkasi), by allowing this Civil Revision Petition with cost.

For petitioner

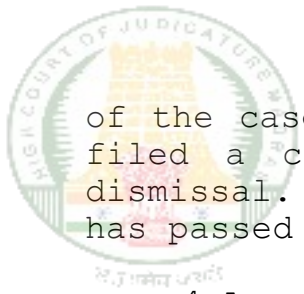
: Mr. D.Nallathambi

ORDER

This Civil Revision Petition is directed against the order passed in R.C.A.No.8 of 2015, dated 05.01.2021, on the file of the Rent Control Appellate Authority/Principal Sub Court, Tenkasi, dismissing the appeal and confirming the order passed in I.A.No.34 of 2015 in R.C.O.P. No.27 of 2011 dated 04.08.2015, on the file of the Rent Control Tribunal /Principal District Munsif Court, Tenkasi.

2.The revision petitioner is the tenant and the respondent is the landlady. For the sake of convince and brevity, the parties will hereinafter be referred to, as per their status or ranking before the trial court.

3.The petitioner/ landlady has filed a petition in R.C.O.P.No.27 of 2011 claiming eviction on the ground of own use and occupation under Section 10(3)(a)(iii) of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960 against the respondent/tenant. During the pendency of the above petition, the tenant has filed an application in I.A.No.34 of 2015 seeking orders to change the stage



of the case as "for cross examination of P.W.1". The landlady has filed a counter objecting to the said petition and prayed for dismissal. The learned Rent Controller, after conducting an enquiry has passed an order on 04.08.2015 dismissing the said application.

4. Aggrieved by the said order, the tenant has preferred an appeal in R.C.A.No.08 of 2015 and the learned Rent Control Appellate Authority, upon considering the materials, has passed the impugned order dated 05.01.2021 dismissing the appeal. Not satisfied with the dismissal of the appeal, the tenant has come forward with the present Civil Revision Petition.

5. At the outset, it is pertinent to note that the relief claimed by the tenant in I.A.No.34 of 2015 is unknown to Civil as well as Rent Control Jurisprudence. The tenant has filed the above application probably to recall PW.1/ landlady and to cross examine her with the defence that she had sold her another property situated at Tenkasiamman street and settled at Chennai with her daughter and that therefore her claim for property for own use and occupation has to necessarily fail. Admittedly, the landlord has sold her another property totally unconnected with the petition mentioned property. Moreover, it is for the landlady to prove that the property now under the occupation of the tenant is required for her own use and occupation. The tenant absolutely has no right to dictate terms to the landlady and it is also not for him to suggest as to whether the demised property is suitable and convenient for landlady or not.

6. It is evident from the records that previously the tenant has filed two applications in I.A.Nos.73 and 74 of 2014 to reopen and recall P.W.1 for cross examinations and after enquiry, the learned Rent Controller allowed the application permitting the tenant to cross-examine the landlady further and that since the tenant has not utilized the opportunity given to him and failed to cross examine PW1, the evidence was ordered to be closed and the case was adjourned for arguments. It is further evident that after hearing the arguments when the case stands posted for orders, the above application came to be filed claiming unusual and peculiar relief of changing the stage of the case from enquiry to PW1 cross-examination. It is pertinent to mention that the rent control petition was filed in the year 2011 and the same is pending for more than 10 years and that too in the Court of the first instance.

7. Considering the entire facts and circumstances of the case, this Court has hesitation to hold that the tenant has filed the interlocutory application and subsequently appeal and thereafter, the present revision, with the sole intention to drag on the proceedings endlessly. Hence, this court is not inclined to admit the revision petition and the civil revision petition is liable to be dismissed.



8.In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

/ /2021

Sub Assistant Registrar(CS)

cp

To

1.The Rent Control Appellate Authority/
Principal Sub Court,
Tenkasi.

2.The Rent Control Tribunal/
Principal District Munsif Court,
Tenkasi.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-16600[F] dated
20/04/2021)

Order made in

C.R.P(MD) No.534 of 2021

and

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19.04.2021

CN(07.05.2021) 3P 4C