



WEB COPY

C.R.P.(MD)No.816 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD)No.816 of 2021

and C.M.P. (MD)No.4400 of 2021

(Through Video Conference)

M.Thippu Sulthan ... Petitioner/Appellant/Respondent Tenant

Vs.

M.S.Shamsath Begum ... Respondent/Respondent/Petitioner-Landlady

PRAYER: Petition filed under Section 25 of Tamil Nadu Building Lease and Rent Control Act, 1960, praying to set aside the fair and decreetal order dated 17.02.2021 made in R.C.A.No.17 of 2015, on the file of the Rent Control Appellate Authority / Principal Sub-Judge (FAC), Tiruchirappalli, confirming the fair and decreetal order dated 08.12.2014 made in RCOP.No.139 of 2009, on the file of the Rent Controller / II Additional District Munsif, Tiruchirappalli.

For Petitioner : Mr.K.S.Kathiravan

For Respondent : Mr.P.Mani Anandh

O R D E R

This Revision Petition is directed against the order dated 17.02.2021 passed by the Principal Sub Court, Tiruchirapalli in R.C.A. No.17 of 2015.

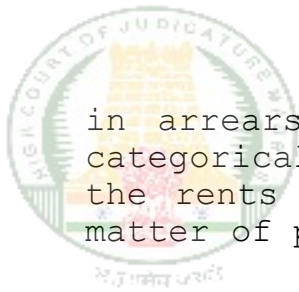
2. The Tenant is the Revision Petitioner. The respondent Landlady filed R.C.O.P.No.139 of 2009 on the file of the Rent Controller / II Additional District Munsif, Trichy for evicting the Revision Petitioner. The Landlady submitted that the Revision Petitioner has been committing willful default in the matter of payment and he is also causing damage to the property.

3. The claim of the respondent Landlady was controverted by the tenant. The Landlady examined herself as P.W.1 and marked Ex.P1 to Ex.P3. The Revision Petitioner examined himself as R.W.1 and one Vasudevan as R.W.2. After considering the evidence on record, the Rent Controller came to the conclusion that the Revision Petitioner had committed willful default and directed his eviction. Challenging the same, R.C.A.No.17 of 2015 was filed and the same was also dismissed. Challenging the same, the Civil Revision Petition has been filed.

4. The learned counsel appearing for the Revision Petitioner reiterated the contentions set out in the memorandum of grounds.

5. I posed a question as to whether the Revision Petitioner is

<https://hcservices.ecourts.gov.in/hcservices/>



in arrears, as on date. The learned counsel for the respondent categorically stated that the Revision Petitioner used to deposit the rents only in lump sum and that he was never regular in the matter of payment.

6. Be that as it may, he is currently in arrears. According to the learned counsel for the respondent, for the last several years, the Revision Petitioner has not paid any rent. The learned counsel for the Revision Petitioner is not in a position to controvert to the said assertion. According to the learned counsel for the revision petitioner, there is proof to show that money was paid to the counsel for the respondent Landlady upto March 2016. Since in as much as the Revision Petitioner is not able to satisfy this Court, that, as on date, the Revision Petitioner is

not in arrears, I am not inclined to admit this Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected C.M.P.(MD)No.4400 of 2021 is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1.The Rent Control Appellate Authority

/ Principal Sub-Judge (FAC), Tiruchirappalli,

2.The Rent Controller / II Additional District Munsif,
Tiruchirappalli.

3.The Record Keeper, V.R Section,

Madurai Bench of Madras High Court, Madurai. 2 Copies

Order made in

C.R.P. (MD)No.816 of 2021

11.6.2021

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