



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (MD) Nos.1573 & 1575 of 2021

and

C.M.P. (MD) Nos.8603 & 8605 of 2021

C.R.P. (MD) No.1573 of 2021 :-

Surendar

.. Petitioner/Petitioner/
Appellant

-vs-

1.P.Gugan

2.P.Jagan

.. Respondents/Respondents/
Respondents

Prayer :- Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 to call for the records pertaining to the order of the Rent Control Appellate Authority/Principal Subordinate Judge, Tiruchirappalli dated 20.09.2021 made in I.A.No.1/2021 in R.C.A.No.7 of 2021 and set aside the same.

C.R.P. (MD) No.1575 of 2021 :-

Parameswari

.. Petitioner/Petitioner/
Appellant

-vs-

1.P.Gugam

2.P.Jagan

.. Respondents/Respondents/
Respondents

Prayer :- Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 to call for the records pertaining to the order of the Rent Control Appellate Authority/Principal Subordinate Judge, Tiruchirappalli dated 20.09.2021 made in I.A.No.1/2021 in R.C.A.No.8 of 2021 and set aside the same.

For Petitioner : Mr.T.Vadivelan
(In both CRPs)

For Respondents : Mr.G.S.Asok Adhithyan
(In both CRPs)



COMMON ORDER

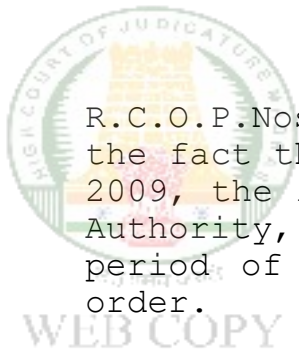
These petitions are filed by the petitioners/tenants challenging the orders passed by the learned Principal Subordinate Judge/Rent Control Appellate Authority, Tiruchirappalli, in refusing to call for the proceedings in R.C.O.P.Nos.59 and 60 of 2009 on the file of the learned Rent Controller/II Additional District Munsif, Tiruchirappalli.

2.The respondents had filed R.C.O.P.Nos.59 and 60 of 2009 seeking to evict the petitioners/tenants on the grounds of owners' use and occupation. The Rent Control Petitions were ordered on 15.03.2021 directing the petitioners to handover vacant possession within a period of two months from the date of the order. The tenants have preferred appeals in time and have also filed applications for stay. However, the learned Judge refused to grant stay on the ground that the discretion to grant a stay should be sparingly used and since the petitioners have not shown sufficient cause, they were not entitled to the order of stay. The said orders are the subject matter of challenge in these revisions.

3.Heard the learned counsel on both sides and perused the records.

4.The orders passed by the Rent Controller are the subject matter of challenge before the Appellate Authority. In case, the Appellate Authority was to agree with the tenants and allow their appeals and if in the interregnum, since there was no orders of stay and delivery of the property is taken, great prejudice is likely to be caused to the tenants. The learned Judge ought to have considered the *prima facie* merits of the case and granted an order of stay. The respondents herein have sought for an eviction on the ground that the demised premises is required for their own use and occupation. The substantial contention of the revision petitioners is that they have been running business in the said premises from the year 2005 by paying substantial amount of Rs.2,85,000/- as advance. Rents have been periodically increased and the petitioners have been promptly paying the rents and there is no allegation by the Landlords that the monthly rents are not paid. The petitioners/tenants have also extended the tenancy in favour of the respondents and requested them to issue a fresh Tenancy Agreement. The petitioners have also stated that the need for owners occupation is not *bona fide*, but stems from *mala fide* intentions.

5.Be that as it may, these are issues, which have to be considered in the appeals. If further proceedings are not stayed, there is every likelihood of the petitioners being dispossessed even before the appeals are heard and orders passed. Therefore, there shall be an order of stay of all further proceedings in



R.C.O.P.Nos.59 and 60 of 2009. However, taking into consideration the fact that the Rent Control Petitions have been filed in the year 2009, the learned Principal Subordinate Judge/Rent Control Appellate Authority, Tiruchirappalli, shall dispose of the appeals within a period of one month from the date of receipt of a copy of this order.

6.In the result, these Civil Revision Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

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 Subordinate Court, Tiruchirappalli.

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

+1 CC to M/s.G.S.ASOK ADHITHYAN, Advocate (SR-38184[F] dated 10/12/2021)

C.R.P. (MD) Nos.1573 & 1575 of 2021

Dated: 10.12.2021

RK (24/01/2021) 3P 4C