



C.R.P(PD).No.1828 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1828 of 2022
and C.M.P.No.9273 of 2022

Arjunan

... Petitioner

..Vs..

M.A.Muppallr

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the decretal order dated 06.04.2022 made in RCA No.5 of 2019 on the file of the Sub Court, Thiruvarur, confirming the decretal order dated 27.03.2019 made in RCOP No.4 of 2018 on the file of the District Munsif Court, Thiruvarur.

For Petitioner : Mr.J.Nandagopal

For Respondent : Mr.S.Senthil



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ORDER

This Civil Revision Petition has been preferred, challenging the order of the learned Sub Judge, Thiruvarur, dated 06.04.2022 made in RCA No.5 of 2019.

2.The revision petitioner is a tenant and in the eviction proceedings filed by the respondent in R.C.O.P.No.4 of 2018, on the ground of own occupation, demolition and reconstruction and the same was allowed. The rent control appeal in R.C.O.P.No.5 of 2019 preferred by the revision petitioner was dismissed. Aggrieved over that, the revision petitioner / tenant has preferred this revision.

3.The learned counsel for the petitioner submitted that there is no bona-fide on the part of the respondent to file eviction petition against the revision petitioner, who is a tenant from the year 1998. It is further submitted that the revision petitioner has regularly paid the rent and even then, the respondent refused to accept the same. Hence, he filed a petition to deposit the rent before the Court.



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4.The Rent Control Appellate Authority had consecutively observed that it is at the whims of the landlord to demolish and re-construct the building in accordance with his convenience and it is also proved before the Court that the respondent had sufficient means to demolish and reconstruct the new building. Such liberty is always with the landlord irrespective of the fact that whether or not the building is old and in a dilapidated condition. Further, there is no mala-fide intention or ingenuity is seen in the mind of the respondent/landlord.

5.Hence, I find no reason for interference. However, taking into consideration of the request made by the learned counsel for the revision petitioner, I feel that a short time should be granted for the revision petitioner to vacate the premises and hand over the possession.

6.Hence, the Civil Revision Petition is dismissed and the order of the learned District Munsif Court, Thiruvavur, dated 27.03.2019 made in RCOP No.4 of 2018, is confirmed. The revision petitioner is granted



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with four months time to vacate the demise premises and hand over the possession to the respondent. No costs. Consequently, connected Miscellaneous Petition is also closed.

15.06.2022

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Index:Yes No

Speaking Order:Yes/No

To

- 1.The Sub Judge,
Thiruvarur.
- 2.The District Munsif,
Thiruvarur.
- 3.The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA,J.

vkrr

C.R.P.(PD).No.1818 of 2022
and C.M.P.No.9273 of 2022

15.06.2022