



WEB COPY



C.R.P.(NPD).No.1832 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P.(NPD).No.1832 of 2022

and

C.M.P.No.9374 of 2022

S.Suryaa

... Petitioner

Vs.

L.Kulanthai Therasa

... Respondent

PRAYER : Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control Act) Act, to set aside the fair and decreetal order dated 25.03.2022 passed in R.C.A.No.3 of 2018 in Rent Control Appellate Authority & Principal Subordinate Judge, Tirupur.

For Petitioner : Mr.I.Abrar Mohamed Abdullah

For Respondent : Mr.R.Bharath Kumar for Caveator

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Rent Control Appellate Authority dated 25.03.2022 made in R.C.A.No.3 of 2018.



C.R.P.(NPD).No.1832 of 2022

2. The revision petitioner is the tenant. The respondent who is the landlady has preferred the Rent Control Proceedings for evicting the petitioner on the ground of wilful default and own use and occupation and the said petition was allowed. The Rent Control Appeal filed by the tenant challenging the above said order was also dismissed confirming the order of the Rent Controller on 25.03.2022. Aggrieved over that the revision petitioner has preferred this Revision Petition.

3. The learned counsel for the petitioner submitted that despite there is some irregularity in paying the rent it was not wilful. It was further submitted that the petitioner's husband met with an accident and because of that reason she was not able to pay rent for some time and hence non-payment of rent during the particular period cannot be considered as wilful.

4. The learned counsel for the respondent submitted that the dues for the rent fell as early as in the year 2013 and the husband of the revision petitioner met with the accident in the year 2015. The Courts below have rightly observed that the reasons stated by the revision petitioner for non-payment of rent on the ground of her husband's illness cannot be acceptable.



5. On perusal of records it is seen that the tenant did not pay the rent for the months of April 2013 to June 2013 and thereafter he again committed default in payment of rent from July 2013 to September 2013. Only on 20.07.2015, she sent a demand draft towards payment of the said rental dues. Admittedly, the husband of the tenant met with an accident only in the year 2015. Even if it is imagined for the sake of arguments that the husband of the tenant met with an accident in the year 2013 itself, that cannot be a reason for withholding the rent due to the landlady and that too for several months. In fact the Rent Control Appellate Authority can not take the Rent Control Appeal for hearing without paying the entire arrears of rent.

6. The learned counsel further submitted that the ground for own use and occupation is not proved before the Court. I do not find any strength in the point so submitted by the learned counsel for the petitioner, in the context that already the ground of wilful default has been proved beyond doubt. If the landlady could succeed in proving one of the grounds she is entitled to get the order of eviction. Even though this Court has not dealt with the reasonableness of the order of the Rent Control Appellate Authority with regard to the ground of own use and occupation, it is found clear that the



C.R.P.(NPD).No.1832 of 2022

Courts below have rightly appreciated the ground of wilful default and accepted the same. In such circumstances, I find no ground for entertaining this Civil Revision Petition.

7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed. The revision petitioner is directed to vacate the premises within a period of one month.

17.06.2022

Index: Yes/No

Speaking / Non Speaking Order

dsa



C.R.P.(NPD).No.1832 of 2022

To

WEB COPY The Principal Subordinate Judge, Tirupur.



WEB COPY



C.R.P.(NPD).No.1832 of 2022

R.N.MANJULA, J

dsa

C.R.P.(NPD).No.1832 of 2022

17.06.2022