



C.R.P(NPD).No.1861 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1861 of 2022
and C.M.P.No.9473 of 2022

Godwin

... Petitioner

..Vs..

Sundari Ramachandran

... Respondent

Prayer:- Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease & Rent Control) Act, 1960 and as amended by Act 23/1973 and Act 1/1980), against the fair and decreetal order dated 10.03.2022 passed in R.C.A.No.6 of 2021 on the file of the Rent Control Appellate Authority, VII Court of Small Causes, Chennai, confirming the fair and decreetal order dated 05.09.2019 passed in R.C.O.P.No.422 of 2018 on the file of the Rent Controller, XII Court of Small Causes, Chennai.

For Petitioner : Mr.M.Marudhachalam

For Respondent : Mr.V.Chandraprabu



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ORDER

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This Civil Revision Petition has been preferred, challenging the fair and decreetal order dated 10.03.2022 passed by the learned Rent Control Appellate Authority, VII Court of Small Causes, Chennai in R.C.A.No.6 of 2021.

2.The revision petitioner is the tenant and the respondent/landlady has filed a petition to vacate the petitioner on the ground of willful default on payment of rent and the same was allowed. A rent control appeal preferred by the tenant by challenging the eviction order and that also got dismissed. Aggrieved over that, the revision petitioner has preferred this revision.

3.The learned counsel for the revision petitioner submitted that, because of the bad health of the revision petitioner, he was not able to move out of the house and make arrangements to pay the arrears of rent.

4.According to the learned counsel for the respondent/landlady, the revision petitioner has failed to pay the rent from the year 2017 and the arrears had accumulated to several lakhs of Rupees.



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5.The revision petitioner did not deny the fact that he owes a huge arrears of rent and he only requested a short time to evict the premises. He further requested to take into consideration the present health condition of the petitioner. If the revision petitioner fails to pay the arrears of rent, he would lose his right to contest the appeal. Neither before the Rent Controller nor before the Rent Control Appellate Authority, the revision petitioner had volunteered to pay the arrears of rent. The Courts below have rightly appreciated the grounds for eviction and ordered eviction. Despite, the present state of the revision petitioner is sympathetic, the situation of the landlady who let the house to the revision petitioner for nearly 5 years, without getting any rent also deserves more sympathy.

6.The learned counsel for the petitioner attracted the attention of the Court to the Medical Certificate given by the Doctor to show that the revision petitioner has to be in bed rest atleast for two months. Despite, this petition has no merits, on humanitarian grounds, a short time should be granted to the revision petitioner/tenant to vacate the premises and hand over the possession to the respondent/landlady.



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8. Accordingly, the Civil Revision Petition is disposed of and the order dated 10.03.2022 passed in R.C.A.No.6 of 2021 on the file of the Rent Control Appellate Authority, VII Court of Small Causes, Chennai, is hereby confirmed. The revision petitioner is granted two months time to vacate the premises and hand over the possession to the respondent/landlady. No Costs. Consequently, connected Miscellaneous Petition is closed.

16.06.2022

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Index: Yes No

Speaking Order: Yes/No

To

1. The Additional District Judge,
Namakkal.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA,J.

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