



C.R.P(NPD).No.2306 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.2306 of 2022
and C.M.P.No.11818 of 2022

1.B.Muralidharan (deceased)
2.P.Lakshmikutty Amma

... Petitioners

..Vs..

B.Shanthi Bhuvaneshwari

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and final orders dated 24.02.2022 passed in R.C.A.No.02/2020 on the file of the learned Subordinate Judge and the Rent Control Appellate Authority of the Nilgiris at Coonoor and R.C.O.P.No.01 of 2017 dated 18.02.2020 on the file of the learned Rent Controller, Kotagiri.

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.L.Mouli



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ORDER

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This Civil Revision Petition has been filed challenging the order of the learned Subordinate Judge and Rent Control Appellate Authority, Nilgiris, Coonoor dated 24.02.2022 made in R.C.A.No.2 of 2020.

2.The 2nd revision petitioner is the son of the tenant. The respondent/landlord has filed a petition in R.C.O.P.No.01 of 2017 for eviction on the ground of willful default in payment of rent against the deceased 1st petitioner and the same was allowed. Aggrieved over the said order, R.C.A.No.2 of 2022 was filed and the same was dismissed by confirming the order of the Rent Control Appellate Authority, Nilgiris, coonoor. Aggrieved over the order of dismissal, the petitioners have preferred this revision petition.

3.The learned counsel for the petitioners submitted that the 2nd petitioner is always ready and willing to pay the arrears of rent and it can be adjusted even from the advance amount of Rs.50,000/- paid by him. The difference is only with regard to the claim about the enhancement of



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rent. While the 2nd petitioner claims that the enhancement of rent is only Rs.1500/-, the respondent/landlord has claimed that the enhanced rent to the effect from 01.01.2014 is Rs.5,000/-. Even in the cross examination of the tenant, he has given the explanation as to why he could not pay the rent. The above facts were not considered by both the learned Rent Controller and the Rent Control Appellate Authority and hence, the Civil Revision Petition should be admitted.

4.The learned counsel for the respondent submitted that the Rent Controller has made clear observations as to the conduct of the petitioner and he omitted to pay the rent even during the pendency of the proceedings. Both the Rent Controller as well as the Rent Control Appellate Authority have rendered clear finding that the petitioner has committed willful default in payment of rent from 01.02.2015. Hence, the order does not require any interference.

5.There is no dispute as to the relationship of landlord and tenant



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between the parties. The landlord has filed a petition on the ground of willful default. Even according to the evidence of the revision petitioner, the rent was stopped from 01.02.2015 by alleging that the landlord refused to receive the rent, after the negotiation about the enhancement of rent. The revision petitioner/tenant has not taken any steps to deposit atleast the admitted rent during the pendency of the proceedings or prior to the proceedings. The learned Rent Control Appellate Judge has made it clear that the tenant has failed to pay the rent during the pendency of the appeal. The conduct of the tenant would only show that he just attempted to squat on the property without paying the rent. It is specifically observed by the learned Rent Controller that the tenant ought to have deposited the arrears of rent either in the Court or paid directly to the respondent/landlord. It is not the case where the tenant has committed default in paying the rent for months or for valid reasons. The tenant has committed continuous default in paying the rent and allowed to accrue to a huge amount. Since the conduct of the petitioner proves beyond doubt that he committed willful default, the learned Rent Control Appellate



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Authority is right in dismissing the appeal. I do not find any reason for interference.

6.With the above observations, this Civil Revision Petition is dismissed and the order of the learned Subordinate Judge and the Rent Control Appellate Authority of the Nilgiris at Coonoor, dated 24.02.2022 made in R.C.A.No.02 of 2020, is hereby confirmed. The 2nd revision petitioner is granted with three months time to vacate the demise premises and hand over the possession to the respondent. No costs. Consequently, connected Miscellaneous Petition is closed.

27.07.2022

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Index:Yes No

Speaking Order:Yes/No

R.N.MANJULA,J.

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To

- 1.The learned Subordinate Judge and
The Rent Control Appellate Authority,
Nilgiris, Coonoor.
- 2.The Rent Controller, Kotagiri.
- 3.The Section Officer,
VR Section, Madras High Court,
Chennai.

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