



C.R.P.No.3834 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.3834 of 2014

and

M.P.No.1 of 2014

R.Ashokan

....

Petitioner

Vs

1. R.Krishnaveni (Died)

2. Padmavathi

3. Krishnaveni

(R3 deleted vide Court order dated 20.02.2020
made in CMP No.27157, 27159 and 27161 of 2019
in CRP No.3834 of 2014 by TKRJ)

4. Victor Bai

5. Jeno Bai

6. Ramalingam

7. Jayanthi

(R2 to R7 brought on reord as LR's of the deceased
sole respondent viz., R.Krishnaveni vide Court
order dated 15.12.2022 made in CMP No.27157,
27159 and 27161 of 2019 in CRP.No.3834
of 2014 by GKIJ)

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Respondents



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Prayer :- Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 to set aside the order passed in fair and decreetal order in RCA No.9 of 2013 dated 24.07.2014 on the file of the Rent Controller/Principal District Munsif, Cuddalore, confirming the fair and decreetal order in RCOP No.3 of 2009 dated 10.01.2013 on the file of Subordinate Judge, Chidambaram.

For Petitioner	:	Mr.R.Sivakumar
For R1	:	Died. Steps Taken
For R2, R4, R5 to R7	:	No appearance

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 24.07.2014 passed in RCA No.9 of 2013 on the file of the Subordinate Judge, Chidambaram, thereby confirming the fair and decreetal order dated 10.01.2013 passed in RCOP No.3 of 2009 on the file of the Rent Controller/Principal District Munsif, Cuddalore, thereby ordered eviction on the ground of demolition and reconstruction.

2. The respondent filed a petition for eviction under Sections 10(2)(i), 10(2) (vii) and 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. The case of the respondent is that the petition premises originally belonged to Diagou Mudaliar Trust. It is established



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with an adjacent site bearing Door No.83, Bharathi Road, Cuddalore. The grandfather of the petitioner had become a tenant of the suit property in the year 1961. He commenced a hardware business in the name and style of Ganesh Hardwares. After the demise of the petitioner's grandfather, his father had run the shop and thereafter, the petitioner is running the shop. The monthly rent was fixed at Rs.4,000/-. Thereafter, the petitioner filed a suit in O.S.No.652 of 2005 for permanent injunction without due process of law. In the meanwhile, the Trust offered to sell the petition premises and the respondent herein purchased the petition premises by a sale deed dated 11.01.2007. The respondent, being purchaser, himself impleaded as a party in the suit in O.S.No.652 of 2005 and expressed his willingness to attorn tenancy to the petitioner. There was rental arrears and as such, the respondent issued notice claiming rental arrears, thereby the petitioner had committed wilful default for the rent in the petition premises.

3. That apart, the age of the building is more than 60 years old and the roof and walls are very weak. It is also in a dilapidated condition. Therefore, it requires immediate renovation. Hence, the respondent intended



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to demolish the entire building for re-construction. Therefore, the respondent factually required the petition premises for demolition and re-construction. Therefore, the respondent filed an eviction petition on the ground of wilful default and denial of title and on the ground of requirement for demolition and re-construction.

4. On the side of the respondent he had examined P.Ws.1 to 4 and marked Exs.P1 to P30. On the side of the petitioner, he had examined R.Ws.1 & 2 and marked Exs. R1 to R72. He also produced Court documents as Exs.C1 and C2 and also marked third party exhibits as Ex.X1.

5. On perusal of the oral and documentary evidence, the Court below allowed the eviction petition on the ground of wilful default, demolition and re-construction. However, the learned Rent Controller dismissed the eviction petition. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed and the order passed by the learned Rent Controller was confirmed.



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6. The learned counsel appearing for the petitioner would submit that the petitioner is running hardware business in the petition premises and he is ready and willing to vacate the premises within a period of one year.

7. A perusal of the records reveals that the respondent proved that the petitioner defaulted in payment of rent. Further the petition premises is also in dilapidated condition and it requires immediate renovation.

8. In view of the above, this Civil Revision Petition stands dismissed. The petitioner shall vacate and hand over possession of the petition premises to the respondent within a period of six months from today. Consequently, connected miscellaneous petition is closed. No costs.

20.12.2022

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
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G.K.ILANTHIRAIYAN, J.

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To

1. The Rent Controller /Principal District Munsif,
Cuddalore.

2. The Subordinate Judge,
Chidambaram.

3. The Section Officer,
VR Section,
High Court, Madras.

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and
M.P.No. 1 of 2014

20.12.2022