



C.R.P. No.2085 of 2020 & C.M.P. No.13159 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2022

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.R.P. No.2085 of 2020
&
C.M.P. No.13159 of 2020

D. Haribabu

... Petitioner

Vs.

V. Geethanjali

... Respondent

Prayer: Civil Revision Petition filed under Section 25 of the Tamil Nadu Building Lease and Rent Control Act 1960 as amended by Act XXIII 1973 against the decree and judgment dated 14.10.2020 made in R.C.A. No.1 of 2018 on the file of the learned Subordinate Judge, Arakkonam, upholding the decree and order dated 31.07.2017 made in R.C.O.P. No.4 of 2013 on the file of the learned District Munsif cum Rent Controller, Arakkonam.

For Petitioner : Mr. Jeremiah Gregory John

For Respondent : Ms. H. Amritha Sarayoo
for M/s. TVS Associates



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ORDER

The revision petitioner is the tenant in the premises bearing shop No.1-F, Pillaiyar Kovil Street, Stuartpet, Arakkonam Town, Vellore District. The tenancy was for non residential purpose and the monthly rent was initially fixed as Rs.1,000/- . A sum of Rs.25,000/- was paid towards advance at the time of inducting the revision petitioner as a tenant in the premises on 14.11.2005. Subsequently, the rent was enhanced from Rs.1,000/- to Rs.2,000/- from April 2010. The tenant agreed for this and paid the rent regularly @ Rs.2,000/- per month. The landlord further enhanced the monthly rent from Rs.2,000/- to Rs.3,000/- from December 2012.

2. The tenant did not pay the rent from February 2013 and committed wilful default in payment of rents. The landlord therefore filed R.C.O.P. No.4/2013 under Section 10(2)(i) and 10(2)(v) of Tamil Nadu Buildings (Lease and Rent Control) Act 1960 for eviction of the tenant from the premises on the ground of wilful default and for committing nuisance. According to the landlord the tenant not only committed wilful



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default in payment of rents but also allowed women singers to stay in the house during night hours. The learned Rent Controller vide her orders dated 31.07.2017 allowed the RCOP on the ground that the tenant has committed a wilful default in payment of rents but dismissed the petition on the ground of nuisance, aggrieved over which the tenant filed R.C.A. No.01/2018 before the Subordinate Judge, Arakonam.

3. The learned Rent Control Appellate Authority, after analysing the oral and documentary evidence dismissed the appeal filed by the tenant vide his orders dated 14.10.2020 and upheld the findings recorded by the learned Rent Controller. Now the present Civil Revision Petition is filed by the tenant.

4. Heard Mr. Jeremiah Gregory John, learned counsel appearing for the petitioner and Ms. H. Amritha Sarayoo, learned counsel appearing for the respondent.

5. It is seen from the records that the initial rent was at Rs.1,000/- per month and thereafter it was enhanced to Rs.3,000/- per month. The tenant admittedly did not pay the enhanced rent of Rs.3,000/- per month from February 2013. Initially an *ex parte* order was passed in



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R.C.O.P. No.4/2013 and an application in I.A. No.4/2015 was filed by the tenant to restore the said RCOP. Since the learned Rent Controller dismissed the said application, the tenant filed C.R.P No.292/2016 before this Court, in which an order was passed by this Court on 03.02.2016 directing the tenant to deposit the arrears of admitted rent to the credit of R.C.O.P.No.4 of 2013 and thereafter, the tenant paid the rental arrears amounting to Rs.45,000/- to the credit of Rent Control Court. Thereafter the matter was taken up for trial and after full contest it was held by the rent controller that the tenant has committed wilful default in payment of rents.

6. The respondent/tenant had taken a specific stand in his counter that the petitioner enhanced the rent to Rs.3,000/- per month from August 2013 and also directed him to pay a sum of Rs.5,00,000/- towards advance. However, during the course of cross examination, the respondent had deposed that he paid the enhanced rent of Rs.3,000/- during January 2013 and February 2013 and thereafter did not pay the enhanced rent. He has further deposed that since his enquiry revealed that the enhanced amount of rent is exorbitantly high, he did not pay the rent.



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It is therefore clear from the evidence of the tenant that he did not pay the rents to the landlord since February 2013. Only after filing of C.R.P.No.292/2016 he deposited a sum of Rs.45,000/- to the credit of the Rent Control Court. Thus it is clear from the records that the petitioner/tenant had committed wilful default in payment of rents.

7. According to the tenant the landlord refused to receive the admitted rents. In such circumstances, the tenant should have taken a recourse to Section 8 of the Tamil Nadu Buildings Lease and Rent Control Act 1960 by issuing a notice to the respondent/landlord requesting the latter to mention his Bank account in which the rents can be deposited. This has not been done by the tenant. If the tenant was of the opinion that the rent demanded by the landlord is exorbitantly high, he should have taken steps to file a petition for fixation of fair rent and this has not also been done by the tenant. In the circumstances, the findings recorded by both the courts below that the tenant had committed wilful default in payment of rents is perfectly in order and I do not see any reason to interfere with the same. Accordingly, the Civil Revision Petition



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is dismissed.

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8. In the result,

- i. the Civil Revision Petition is dismissed. No costs. Consequently connected miscellaneous petition is also dismissed.
- ii. the decree and judgment dated 14.10.2020 made in R.C.A. No.1 of 2018 on the file of the learned Subordinate Judge, Arakkonam, and the fair and decreetal orders dated 31.07.2017 made in R.C.O.P. No.4 of 2013 on the file of the learned District Munsif cum Rent Controller, Arakkonam, are upheld.
- iii. the petitioner/tenant is directed to vacate the premises within one month from the date of receipt of a copy of this order/uploading of the order.

22.11.2022

Index : Yes/No

Internet : Yes/No

Speaking/non speaking

bga

R.HEMALATHA, J.,



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To,

1. The Subordinate Judge, Arakkonam.
2. The District Munsif cum Rent Controller, Arakkonam.
3. The Section Officer, VR Section, High Court, Madras.

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