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C.R.P. Nos.3961 & 3964 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos.3961 & 3964 of 2019

and

C.M.P. Nos. 26113 & 26124 of 2019

Thiru N.Pugazhenth,
S/o. Nagappan

... Petitioner in
both C.R.P.s

Versus

Tmt. Fathima Beevi,
W/o. Jagafar Ali

... Respondent in
both C.R.P.s

PRAYER in C.R.P. No.3961 of 2019 : Civil Revision Petition filed under Sec.115 of C.P.C. r/w Sec.11 of Tamil Nadu Cultivation of Tenants Protection and Payment of Fair Rent Arrears Act 30 of 1960, praying to set aside the order made in R.C. No. 47 of 2017 dated 21.12.2018 by the Principal District Court, Thiruvarur confirming the order made in P.T. No.8 of 2016 dated 10.08.2017 by the Special Deputy Collector/Presiding Officer, Revenue Court, Thiruvarur with cost.



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PRAYER in C.R.P. No.3961 of 2019 : Civil Revision Petition filed

under Sec.115 of C.P.C. r/w Sec.11 of Tamil Nadu Cultivation of Tenants Protection and Payment of Fair Rent Arrears Act 30 of 1960, praying to set aside the order made in R.C. No. 48 of 2017 dated 21.12.2018 by the Principal District Court, Thiruvarur confirming the order made in P.T. No.5 of 2015 dated 10.08.2017 by the Special Deputy Collector/Presiding Officer, Revenue Court, Thiruvarur with cost.

For Petitioner in both
C.R.P.s : Mr.A.Thamizharasan

For Respondent in both
C.R.P.s : Mr.A.Thamizhavel

COMMON ORDER

Challenging the impugned orders passed in R.C.Nos.47 and 48 of 2017 dated 21.12.2018 by the Principal District Court, Thiruvarur confirming the orders made in P.T.Nos.8 and 5 of 2015 dated 10.08.2017 by the Special Deputy Collector/Presiding Officer, Revenue Court, Thiruvarur respectively, the cultivating tenant preferred this Civil Revision Petition.



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2. Originally, the Revision Petitions in R.C.Nos.47 and 48 of 2017 have been filed by the tenant against the landlord before the Principal District Court, Thiruvarur challenging the findings of the Revenue Court in P.T. Nos. 8 of 2016 and 5 of 2015 dated 21.12.2018, and on hearing both sides, the trial court confirmed the findings of the revenue court and directed the Revision Petitioner to pay a sum of Rs.19007.55 and a sum of Rs.35994.80 respectively as arrears of rent to the landlord.

3. Admittedly, the land in dispute belong to the respondent Fathima Beevi and under whom the Revision Petitioner was a cultivating tenant. As he failed to pay the rent, she initiated proceedings in P.T. Nos.5 of 2015 and 8 of 2016 before the Special Deputy Collector/Presiding Officer, Revenue Court, Thiruvarur for recovery of rent and on 10.08.2017, the enquiry was conducted. Based upon that, the tenant was ordered to pay the balance arrears amount for the cultivation of lands within one month on 10.08.2017. Challenging the said order, he preferred revision petitions in R.C.Nos. 47 and 48 of 2017 before the Principal District Court, Thiruvarur. On hearing both sides, the learned judge held that even as per the order passed by the



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Special Deputy Collector, Revenue Court, Thiruvavur, the tenant has not paid the rent and continue to commit default. Therefore, the reasons assigned by the tenant is not acceptable one and accordingly, the trial court dismissed the Revision Petitions. Challenging the said findings, he preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner tenant would submit that he was not given proper opportunity to submit his defence before the court concerned and the trial judge not accepting the same, erroneously dismissed the petitions.

5. By way of reply, the learned counsel for respondent landlord would submit that from the year 2013 onwards, inspite of order passed by the courts below, the tenant has not paid arrears of rent. So, he is not entitled to any remedy. Furthermore, before the revenue authority, he was given fair opportunity, but he failed to appear before the revenue authority and remained absent. Thereafter, he challenged the order, as such is not maintainable. The trial judge has rightly appreciated all these facts and



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dismissed the revision petitions.

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6. Considering the facts and circumstances and on perusal of records, it would reveal that even though four weeks time given to the tenant to pay arrears of rent, he has not paid the rent and even after filing revision petitions, till date, he has not paid the rent to the landlord. So, the conduct of Revision Petitioner would clearly shows that he is irregular in paying the rent. As the landlord approached the court from the year of 2015 onwards, she is not able to enjoy her lands. Therefore, the reasons assigned by the Revision Petitioner tenant is not acceptable one. Accordingly, these Civil Revision Petitions are dismissed as no merits. No costs. Consequently, the connected Civil Miscellaneous Petitions are also closed.

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Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp
To
District Judge,
Thiruvarur.



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T.V.THAMILSELVI, J.

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