



CRP (NPD) No.3752 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

C.R.P.No.3752 of 2018
and
C.M.P.No.20930 of 2018

Senkutuvan

.... Petitioner

vs

1. Maimunisha,
D/o Bismillakhan

2. Keirunisha,
D/o Bishmillakhan

.... Respondents

Civil Revision Petition filed under Section 25 of the Tamil Nadu Lease and Building Rent Control Act, 1986, to set aside the fair and decretal order dated 06.06.2018 made in R.C.A.No.1 of 2017 on the file of the II Additional Subordinate Judge, Villupuram confirming the Fair and Decretal Order dated 10.03.2017 made in R.C.O.P.No.1 of 2013 on the file of the Principal District Munsif (Rent Controller) Villupuram by allowing the Civil Revision Petition.

For Petitioner : Mr.C.Munusamy

For respondent : Mr.C.Prabakaran



CRP (NPD) No.3752 of 2018

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ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 06.06.2018 made in R.C.A.No.1 of 2017 on the file of the II Additional Subordinate Judge, Villupuram, confirming the Fair and Decretal Order dated 10.03.2017 made in R.C.O.P.No.1 of 2013 on the file of the Principal District Munsif (Rent Controller) Villupuram.

2. The brief facts of the case are as follows:

The respondents herein and the deceased Asinabegam are the daughters of Mr.Bismillakhan. The petition property originally belongs to Mr.Bismillakhan. After his life time, the said property was being enjoyed by the respondents along with the deceased sister Asinabegam. The property was let out to the petitioner herein by Asinabegam during her life time. The said Asinabegam died on 22.07.2012. The respondents herein are the only surviving legal heirs of Asinabegam. Even during the lifetime of Asinabegam, the petitioner failed to pay the rent regularly. Therefore, Asinabegam requested the petitioner to vacate the premises for default of rent and also for own occupation. The petitioner filed Rent Control proceedings in RCOP.No.2/2012 to deposit the rent into Court. Further, the petitioner demanded Rs.5 lakhs to vacate the premises. The respondents issued legal notice calling upon the respondent to vacate and



CRP (NPD) No.3752 of 2018

hand over the petition premises but the petitioner neither replied the legal notice nor vacated the premises. Therefore, the respondents filed RCOP.No.1 of 2013 under section 10(2)(i) and 10(3)(ii) of Tamil Nadu Building Lease and Rent Control Act before the Rent Control Court, Villupuram. The learned Rent Controller passed an order of eviction, as against, which the petitioner preferred an appeal in R.C.A.No.1 of 2017. The said Rent Control Appeal was also dismissed. Hence, this Civil Revision Petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. From the materials available on record, it is seen that originally, the petition property belongs to Mr.Bismillakhan and after his death, his daughters, the respondents herein and Asinabegam were enjoying the same as his surviving legal heirs. In the year 2005, the petitioner had taken the petition premises as a tenant from Asinabegam for a rent of Rs.500/- per month and after the death of Asinabegam on 22.07.2012, the respondents became the surviving legal heirs of Asinabegam and hence, they are entitled to receive the rent from the petitioner.

5. The respondents have filed rent control petition seeking eviction and possession of the petition property on the ground of willful default in payment of rent and owners occupation. The learned Rent Controller, on careful



CRP (NPD) No.3752 of 2018

scrutiny of oral and documentary evidence, allowed the petition. The findings of the learned Rent Controller for eviction on the ground of willful default and owners occupation appear to be well founded and without any illegality. The respondents have proved their ownership through their evidence without any iota of doubt. The allegation of the petitioner that the respondents shall assign a reason for choosing the petition property for their own occupation when they own other properties in the locality, cannot be countenanced at all, as it is the convenient of the land-ladies to choose any of the properties as convenient for own occupation and the same cannot be decided by the tenant. The Rent Control Appellate Court has rightly confirmed the order passed by the learned Rent Controller. The petitioner has however, dragged on the proceedings for more than a decade. This Court does not find any reason to interfere with the order passed by the Courts below.

6.In the result, the Civil Revision Petition is dismissed thereby confirming the fair and decretal order passed in RCOP.No.1 of 2013 dated 10.03.2017 by the learned Rent Controller, Villupuram. No costs. Consequently, connected miscellaneous petition is closed.

03.08.2022

Index:Yes/No

4/6



CRP (NPD) No.3752 of 2018

Speaking/Non-speaking order

vs

To

1. II Additional Subordinate Judge, Villupuram
2. The Principal District Munsif (Rent Controller), Villupuram



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CRP (NPD) No.3752 of 2018

J.NISHA BANU,J.

Vsi

C.R.P.No.3752 of 2018

03.08.2022