



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.02.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD) .No.275 of 2022

and

C.M.P (MD)No.1249 of 2022

A.Abulhasan ... Petitioner/Appellant/Respondent

Vs.

M.S.Meideen Abdulkathar ... Respondent/ Respondent/Petitioner

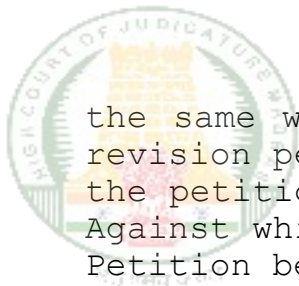
PRAYER : This Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease & Rent Control) Act, 1960), to set aside the Judgment and Decreetal Order dated, 13.11.2021 passed in R.C.A.No.4 of 2019 on the file of Rent Controller Appellate Authority (Subordinate Court), Tiruchendur, confirming the Judgment and Decreetal Order, dated 11.04.2019 passed in R.C.O.P.No.4 of 2006 on the file of the Rent Controller (District Munsif Court), Tiruchendur and allow this Civil Revision Petition.

For Petitioner	:Mr.N.Mohideen Basha
For Respondent	:Mr.A.Arumugam
	for M/s.Ajmal Association

O R D E R

This Civil Revision Petition has been filed to set aside the Judgment and Decreetal Order dated, 13.11.2021 passed in R.C.A.No.4 of 2019 on the file of Rent Controller Appellate Authority (Subordinate Court), Tiruchendur, confirming the Judgment and Decreetal Order, dated 11.04.2019 passed in R.C.O.P.No.4 of 2006 on the file of the Rent Controller (District Munsif Court), Tiruchendur on the ground that there is willful default from October 2005.

2.The respondent/landlord has filed RCOP.No.4 of 2006 under Section 10(2)(i), 10(2)(3) and 10(3)(a)(3) of Tamil Nadu Buildings (Lease and Rent Control) Act 1960, to evict the revision petitioner/tenant from his premises, which was allowed by the learned Rent Controller/District Munsif, Tiruchendur on the ground that the revision petitioner/tenant has committed willful default in payment of rent. Aggrieved by the said order, the revision petitioner/tenant filed R.C.A.No.4 of 2019 before the Rent Controller Appellate Authority (Subordinate Court), Tiruchendur and



the same was dismissed by the Appellate Authority and directed the revision petitioner/tenant to vacate and hand over the possession of the petition mentioned schedule premises to the respondent/landlord. Against which, the revision petitioner has filed this Civil Revision Petition before this Court.

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3.The revision petitioner/tenant has filed R.C.O.P.No.5 of 2007 for depositing the rent admitted in the Court. As per Ex.R6, the money order which was sent by the revision petitioner was returned on 19.07.2005. While so, the revision petitioner/tenant did not take any steps to deposit the amount immediately. Therefore, the respondent/landlord has filed a petition in R.C.A.No.4 of 2019 after one year from the date of eviction petition.

4.The learned counsel for the revision petitioner has contended that the revision petitioner has filed a petition in the year 2007 for depositing the rent and after he deposited the rent regularly. But, subsequently cannot cure willful default. The revision petitioner has to prove that he regularly paid rent without any default. Even though money order returned on 19.07.2005, the revision petitioner/tenant has not taken any steps to deposit the amount immediately. Only after filing eviction petition, he filed a petition in R.C.O.P.No.5 of 2007 to deposit the amount. So the learned Rent Controller/District Munsiff, Tiruchendur, has rightly allowed the eviction petition and the same was also confirmed by the learned Rent Control Appellate Authority/Subordinate Judge, Tiruchendure. Therefore, this court finds no valid reason to interfere with the order passed by the Court below.

5.In view of the above, this Civil Revision Petition stands dismissed by confirming the Judgment and Decreetal Order dated, 13.11.2021 passed in R.C.A.No.4 of 2019 on the file of Rent Controller Appellate Authority (Subordinate Court), Tiruchendur. The revision petitioner/tenant is directed to vacate the premises within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

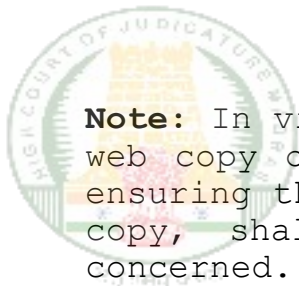
Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

vsd



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To

1.The Subordinate Judge,
The Rent Controller Appellate Authority
Tiruchendur.

2.The District Munsif,
The Rent Controller,
Tiruchendur.

+1 CC to M/s.A.ARUMUGAM (AJMAL ASSOCIATES), Advocate (SR-7060[F]
dated 18/02/2022)

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and
C.M.P (MD) No.1249 of 2022
17.02.2022

nsn(CO)
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