



CRP(MD)No.1273 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(MD)No.1273 of 2022
and
C.M.P.(MD)No.5239 of 2022

Kasiperumal

... Revision Petitioner

versus

1. W.M.S.Badhul
2. Abul Hasan Gnani
3. Fathima Farhana
4. Sehu Fathima
5. Sithi Fathima
6. Mariam Thahira
7. Mohammed Abdul Kader
8. Abul Hasan
(R1 to R8 are represented by
their power agent Jainudeen)

... Respondents

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act, against the fair and decreetal order dated 16.03.2022 passed in I.A.No.2 of 2021 in R.C.A.No.12 of 2021 on the file of the Rent Control Appellate Authority (Principal Sub



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Court), Tirunelveli.

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For Revision Petitioner : Mr.J.Sriprasad

ORDER

This Civil Revision Petition is filed against the order dated 16.03.2022 passed by the Rent Control Appellate Authority (Principal Sub Court), Tirunelveli, in I.A.No.2 of 2021 in R.C.A.No.12 of 2021.

2. The respondents herein are landlords and they filed a eviction petition against the revision petitioner in R.C.O.P.No.50 of 2018 on the file of the learned I Additional Rent Controller (I Additional District Munsif), Tirunelveli, on the ground of willful default. The learned I Additional Rent Controller, by order dated 02.03.2020, allowed the petition and ordered for eviction. Aggrieved over the same, the revision petitioner/tenant preferred an appeal before the Rent Control Appellate Authority (learned Subordinate Judge), Tirunelveli, in R.C.A.No.12 of 2021. The landlords filed an interlocutory application



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in I.A.No.2 of 2021 under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 that the tenant has not paid the monthly rent of Rs.1050/- from the year 2016 onwards and the arrears of rent is Rs.67,200/- and therefore, the appeal has to be dismissed in *limine* for non-payment of rent. A counter affidavit has been filed by the tenant stating that he is paying the rent regularly and he has also paid a sum of Rs.1,30,000/- as an advance to the respondent/landlord. However, the Rent Control Appellate Authority, by order dated 16.03.2022, allowed the said interlocutory application and directed the tenant to deposit the arrears of rent of Rs.67,200/- within a period of one month, failing which, all further proceedings in R.C.A.No.12 of 2021 shall be kept in abeyance. The said order is under challenge in this Civil Revision Petition.

3. Heard the learned counsel appearing for the revision petitioner and perused the order passed by the learned Rent Control Appellate Authority in I.A.No.2 of 2021.



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4. On perusal of the order under challenge reveals that the tenant claims that he has been paying the rent regularly for the past 30 years and he has also paid an advance amount of Rs.1,30,000/- to the earlier power agent of the landlords, however, he has not produced any material to prove the same before the Rent Control Appellate Authority. Therefore, the Rent Control Appellate Authority has rightly rejected the contention of the tenant and allowed the application directing him to pay the arrears of rent, failing which, all further proceedings in R.C.A.No.12 of 2021 shall be kept in abeyance. Even now, the tenant/revision petitioner has not produced any material before this Court to prove the same. Therefore, this Court is not inclined to interfere with the order passed by the Rent Control Appellate Authority.

5. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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6. The provision of Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 enables the Court to put the landlord in possession of the building. Therefore, the Rent Control Appellate Authority shall proceed further under Section 11(4) of the Tamil Nadu Building (Lease and Rent Control) Act, 1960.

04.07.2022

Index : Yes / No.

Internet: Yes / No.

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To

1. The Rent Control Appellate Authority
(Principal Sub Court),
Tirunelveli.



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B.PUGALENDHI, J.

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