



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (MD) No.860 of 2020

and

C.M.P. (MD) No.5701 of 2020

A.Rajendran

.. Petitioner/Respondent/
Tenant

-vs-

S.Valli

.. Respondent/Petitioner/
Landlady

Prayer :- Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 to call for the records pertaining to the fair and decretal order dated 16.03.2020 made in I.A.No.3 of 2019 in R.C.O.P.No.8 of 2018 on the file of the I-Additional Rent Controller Court cum I-Additional District Munsif Court, Tirunelveli and set aside the same.

For Petitioner : Mr.G.Thalaimutharasu

ORDER

The above Civil Revision Petition is filed by the Tenant challenging the order dated 16.03.2020 passed in the application filed under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (hereinafter referred to as "the Act") in I.A.No.3 of 2019 in R.C.O.P.No.8 of 2018 by the learned I-Additional Rent Controller cum I-Additional District Munsif, Tirunelveli.

2. The brief facts are as follows:-

2.1. The revision petitioner is a tenant in respect of the premises, which is the subject matter of rent control proceedings in R.C.O.P.No.8 of 2018 on the file of the learned Rent Controller (District Munsif), Tirunelveli. The tenancy was for a residential purpose and the monthly rent agreed upon was a sum of Rs.4,200/- excluding the electricity consumption charges.

3. It is the case of the respondent/Landlady that the revision petitioner was highly irregular in the payment of rents and he had



not paid the rents for November and December, 2017 and January, 2018. Without paying the rent, he has also filed a Civil Suit against the Landlady before the District Munsif, Tirunelveli. Therefore, the respondent/Landlady had come forward with the petition seeking his eviction on the ground of wilful default.

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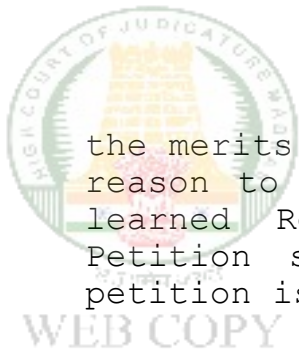
4. Pending the RCOP proceedings, the Landlady had also filed an application under Section 11(4) of the Act for a direction to the revision petitioner to pay a sum of Rs.92,400/- which was the accumulated arrears of rent before proceeding with the rent control petition.

5. The revision petitioner had filed a counter denying the quantum of rent and also submitting that he had paid an advance of Rs.20,000/- to the father of the respondent herein under whom, he had entered tenancy. He would further submit that the entire proceedings have been filed collusively between the father and the daughter with the intent of grabbing money from the petitioner.

6. The learned Rent Controller by his order dated 16.03.2020 was pleased to allow the application. The Rent Controller had observed that despite receiving notice in the rent control proceedings stating that the revision petitioner has been in arrears for the months of November and December, 2017 and January, 2018, no steps had been taken by the revision petitioner to pay the rents before the first hearing. Even after the filing of this application, steps have not been taken to pay the rents. As on the date of the filing of this application, the petitioner was continued to default in the payment of rent for 22 months and even after the filing of this application, he defaulted to continue. Therefore, the Rent Controller had allowed the application directing the revision petitioner to deposit the arrears rent amount of Rs.1,17,000/- within a period of one month from the date of receipt of a copy of the order. However, in spite of depositing the money, the revision petitioner has filed the instant petition directly before this Court.

7. Heard the learned counsel for the petitioner.

8. The petitioner, who had filed a counter alleging that the rent was only a sum of Rs.4,000/- and that an advance of Rs.20,000/- had been paid to the petitioner's father, had not substantiated the same. That apart, he had also not categorically denied the statement made by the Landlady that he is in arrears of rent from the period November, 2017 onwards. The Rent Controller has also observed that the petitioner has not come forward to deposit the arrears of rent before the first hearing in the RCOP and also after the impugned application under Section 11(4) has been filed. It is also seen that the default continues to date. Since the petitioner has directly approached this Court, I have passed order considering



the merits of the matter. In these circumstances, I do not find any reason to interfere with the order dated 16.03.2020 passed by the learned Rent Controller and consequently, the Civil Revision Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Abr

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.

To

The I-Additional Rent Controller
cum I-Additional District Munsif, Tirunelveli.

C.R.P.(MD) No.860 of 2020

Dated: 25.01.2022

SVS(CO)

KB(14.02.2022) 3P 2C