



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (MD)Nos.1534 and 1536 of 2021

and

C.M.P. (MD)Nos.8459 and 8460 of 2021

- 1.Haridass (died)
- 2.Kamala
- 3.Tamilselvi
- 4.Bojarajan

... Petitioners/Lrs. Of the sole Petitioner
(in both CRPs)

-VS-

- 1.Melur Diamond Jubilee Club
Melur,
through its Secretary,
having Office at No.751-758,
Main Road,
Melur,
Madurai District.

...1st Respondent/Respondent/Petitioner/
Petitioner(in CRP(MD).1534/2021)

...1st Respondent/Respondent/Petitioner
(in CRP(MD).1536/2021)

- 2.Bhaskar

...2nd Respondent/
Lrs. Of the sole Petitioner (in both CRPs)

Prayer in C.RP(MD) No.1534 of 2021 :- Petition filed under Section 25 of the Tamil Nadu Building Lease and Rent Control Act, 1960, to set aside the impugned order passed in impugned fair and decreetal orders passed in RCA No.62 of 2019 dated 04.03.2021 on the file of the Rent Control Appellate Authority (Principal Sub Judge), Madurai, against IA No.5 of 2015 in RCOP No.13 of 2013 dated 27.02.2017 on the file of the Rent Control Court, Melur, (District Munsif Court), Melur.

Prayer in C.RP(MD) No.1536 of 2021 :- Petition filed under Section 25 of the Tamil Nadu Building Lease and Rent Control Act, 1960, to set aside the impugned order passed in impugned fair and decreetal orders passed in RCA No.63 of 2019 dated 04.03.2021 on the file of the Rent Control Appellate Authority (Principal Sub Judge), Madurai, in RCOP No.13 of 2013 dated 27.02.2017 on the file of the Rent Control Court, Melur, (District Munsif Court), Melur.



For Petitioner : Mr.P.M.Vishnuvarthanan
(in both petitions)
For R1 : M/s.T.Vidhya Maheswaran
(in both petitions) for Mr.D.Jeyam

COMMON ORDER

WEB COPY

The unsuccessful tenant before both the authorities below, is the revision petitioners before this Court.

2.The facts in brief are as follows:-

(ii) The first respondent/landlord had filed RCOP No.13 of 2013 against the deceased first petitioner/tenant for eviction on the ground of wilful default. It is the case of the first respondent that the deceased first petitioner is liable to pay a monthly rental of Rs.4,565/-. However the last payment of Rs.25,000/-was made on 18.03.2013. Thereafter, the landlord had issued a registered notice dated 09.08.2013 terminating the tenancy and calling upon the tenant to vacate and hand over the vacant possession of the property to the landlord. The deceased first petitioner had sent two reply notices admitting the tenancy and the quantum of rent, but however the amounts were not paid and since the first petitioner had exhibited supine indifference in payment of the rents, the first respondent/landlord had come forward with the petition for eviction.

(ii) The counter was filed by the deceased first petitioner/tenant denying the relationship of the landlord and tenant. The deceased first petitioner would contend that only the vacant site had given to him and he had spent money for the construction of the buildings. The rent was fixed as Rs.4,565/- to the site as well as the superstructure. He would also state that the first respondent had become defunct and there was no society in existence. The landlord had filed an interim application in I.A. No. 5 of 2015 under Section 11(4) of the Tamil Nadu Building Lease and Rent Control Act for depositing the arrears of rent.

(iii) After hearing both parties, the Rent Controller had passed an order directing the deceased first petitioner to deposit the arrears of rent, failing which, his defence would be struck off and an eviction would be ordered. Thereafter, RCOP No.13 of 2013 was also ordered as a consequence to the order in IA No.5 of 2015. Challenging the said orders, the deceased first petitioner had filed RCA No.62 of 2019 (against the order in IA No.5 of 2015) and RCA No.63 of 2019 (against the order made in RCOP No.13 of 2013) before the Rent Control Appellate Authority (Principal Sub Court) Madurai. The learned Judge, by her order, dated 04.03.2021, confirmed the order of the Authority below. The learned Appellate Authority had observed that even after filing of the appeal, the arrears had not been deposited and therefore, the order of the Rent Controller has not been complied with. Challenging this order the revision



petitioners, who are the legal heirs of the deceased first petitioner, are before this Court.

3. When the matter had come up for admission, notice was ordered to the first respondent/landlord and stay of further proceedings had been granted on condition that the petitioners deposit the entire arrear amount in the calculation memo submitted by them before this Court. Even as per the calculation memo submitted by them, a sum of Rs.2,55,640/- was due. This conditional order was passed on 29.10.2021. To date, this conditional order has not been complied with. Therefore, without depositing the arrears of rent, the petitioners cannot file the revision petitions.

4. Be that as it may, the fact that the petitioners have not cleared the arrears to date (even the arrear of rent admitted by him), the wilful default is clearly established and therefore, I do not find any reason to interfere with the order passed by both the Authorities Below and consequently, these civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

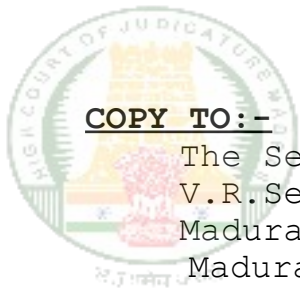
Sub Assistant Registrar(CS)

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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

1. The Principal Sub Judge,
The Rent Control Appellate Authority,
Madurai.
2. The District Munsif,
The Rent Controllor,
Melur.



COPY TO:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

WEB COPY

+1 CC to M/s.PM.VISHNUVARTHANAN, Advocate (SR-3197
[F] dated 31/01/2022)

+2 CC to M/s.D.JEYAM, Advocate (SR-3168[F]
dated 31/01/2022)

C.R.P. (MD) No.1534 & 1536 of 2021
and

C.M.P. (MD) No.8459 & 8460 of 2021
Dated: 31.01.2022

svs (CO)

GC (24.02.2022) 4P 8C