



CRP PD(MD)Nos.2330 & 2349 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP PD(MD) Nos.2330 & 2349 of 2022 and
CMP(MD) Nos.11237,11348 of 2022

B.Murugan ... Petitioner/Tenant in
CRP PD(MD)No.2330 of 2022

A.Shanthi ... Petitioner/Tenant in
CRP PD(MD)No.2349 of 2022

Vs

B.Saroja ... Respondent/Landlady in
both CRPs

COMMON PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, to call for the records relating to the fair and decreetal order dated 25.07.2022 passed in R.C.A.Nos.23, 22 of 2016, on the file of the Rent Control Appellate Authority (Principal Sub Court), Madurai, confirming the fair and decreetal order, dated 24.06.2016, passed in R.C.O.P.Nos.214, 212 of 2007, on the file of the Principal Rent Controller (Principal District Munsif), Madurai, by allowing this Civil Revision Petition.



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For Petitioner : Mr.V.Pandian
For Respondent : Mr.M.Thirunavukkarasu
(In both CRPs)

COMMON ORDER

These Civil Revision Petitions are filed as against the concurrent findings in the Rent Control proceedings initiated by the respondent/landlady, for eviction of the petitioners from the subject property, under Section 10(2) (1) and (VI) of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960.

2.The petitioners/tenants were directed to vacate from the suit schedule property in the eviction petition filed by the respondent/Landlady in R.C.O.P.Nos.214, 212 of 2007, as against which, the petitioners filed appeals in R.C.A.Nos.23, 22 of 2016 and the same was dismissed by the Appellate Authority on 25.07.2022. The learned counsel for the petitioners has taken a specific plea that the petitioners have been inducted as tenants by one S.P.Mani and not by



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the respondent herein. He further submits that the respondent is not the owner of the property. However, without considering the same, the Courts below ordered for eviction. Challenging the concurrent findings of the Courts below, the present Civil Revision Petitions are filed.

3.The learned counsel appearing for the petitioners submits that the petitioners/tenants disputed the tenancy with the respondent/landlady that the property originally belongs to one Guruvammal, by virtue of a registered sale deed, dated 20.10.1982. The said Guruvammal let out the site to one Lalitha and Alagar @ Alaguraj, in the presence of one S.P.Mani, who is the son-in-law of her sister. The said Guruvammal borrowed certain amount from the said S.P.Mani and she delivered the possession of the property in favour of him. The tenants Lalitha and Alagar @ Alaguraj instituted a suit in O.S.No.567 of 1993, for the relief of injunction as against the said Guruvammal and S.P.Mani. Due to non-appearance of the said Guruvammal and



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S.P.Mani, an exparte decree was passed by the trial Court. Thereafter, the tenants Laitha and Alagar surrendered the vacant possession of the site to S.P.Mani. The learned counsel further submits that the petitioners are inducted as tenants only by S.P.Mani and not by the respondent herein or by her mother Guruvammal. According to the petitioners, though the property belongs to Guruvammal, she handed over the original documents of the suit schedule property to the said S.P.Mani, as she borrowed some money from him. Since the said S.P.Mani was in possession of the document and property, neither the respondent nor his mother is having right over the suit schedule property. Moreover, there is no rental agreement between the petitioners and the respondent. Hence, the orders of the Courts below are liable to be set aside.

4.The learned counsel appearing for the respondent /landlady submits that the petitioners were inducted as



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tenants in the suit property for residential purpose and they paid the enhanced rent of Rs.500/- and Rs.700/- respectively upto February 2006 and thereafter, they defaulted. Hence, the proceedings were initiated as against the petitioners. Since they failed before the Rent Control Appellate Authority, they approached this Court by way of these Civil Revision Petitions.

5.This Court considered the submissions of the learned counsel for the petitioners as well as the respondent and also perused the materials placed on record.

6.The respondent/landlady filed a petition as against the petitioners/tenants for eviction in R.C.O.P.Nos.214, 212 of 2007, under Section 10(2) (1) and VII of Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, on the ground of wilful default and the same was allowed on 24.06.2016 and the petitioners were directed to evict from



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the suit property. Challenging the same, the petitioners preferred appeals in R.C.A.Nos.23, 22 of 2016, which were dismissed on 25.07.2022. Aggrieved over the same, the present Civil Revision Petitions are filed. The petitioners have taken a specific plea that though the property belongs to one Guruvammal, the mother of the respondent, they claim that they are the tenants under one S.P.Mani, who is said to be the owner of the property that the original documents of the property was with him.

7. The trial Court, while deciding the petition has held that the respondent/landlady has produced Ex.P2, copy of the registered Will, executed by her mother in favour of the respondent, by which, it is made clear that the respondent is the owner of the property. Moreover, the respondent/ Landlady had issued a legal notice to the tenants on 20.07.2007 and in reply notice sent by the tenants, which was marked as Ex.P.9 before the trial Court, the tenants have not even



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stated about the so called owner of the suit schedule property, namely, S.P.Mani. The petitioners have also failed to prove that they have paid the rent to the landlady without any default. The Courts below have come to the conclusion that the respondent/landlady is the owner of the suit schedule property by way of Ex.P2, the registered Will executed by the mother of the respondent, namely, Guruvammal. The petitioners have failed to prove the payment of rent without any default.

8.In view of the foregoing discussions, there is no reasons to interfere with the orders of the Courts below. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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- 1.The Rent Control Appellate Authority (Principal Sub Court), Madurai
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B.PUGALENDHI, J.

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Common Order made in
CRP PD(MD) Nos.2330 & 2349 of 2022 and
CMP(MD) Nos.11237,11348 of 2022

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