



CRP(PD)(MD)No.2095 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.2095 of 2022
and C.M.P.(MD)No.9672 of 2022

R.Prabhakaran

... Petitioner

versus

K.Mujibur Rahman
Rep. by his power agent
M.Sakila Banu

... Respondent

Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973 and Act 1 of 1980, against the fair and decreetal order dated 30.08.2022 made in R.C.A.No.13 of 2020 on the file of the Principal Subordinate Judge (Rent Control Appellate Authority), Madurai.

For Petitioner : Mr.V.S.Kumaraguru

For Respondent : Mr.Mohammed Imran
for M/s.R.Rajamohan



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ORDER

This Civil Revision Petition is filed against the order dated 30.08.2022 made in R.C.A.No.13 of 2020 on the file of the Principal Subordinate Judge (Rent Control Appellate Authority), Madurai.

2. The petitioner herein is the tenant and the respondent herein is the landlord. The respondent/landlord filed a petition for eviction in RCOP No.34 of 2017 before the Principal District Munsif Court, Madurai Town, under Section 10(2)(1) and 10(3)(A)(2) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, on the ground of willful default and own use and occupation. The Rent Control Authority (Principal District Munsif), Madurai Town, by order dated 14.11.2019, allowed the said petition. Aggrieved over the same, the petitioner/tenant filed an appeal in R.C.A.No.13 of 2020 before the Rent Control Appellate Authority (Principal Sub Court), Madurai. The Rent Control Appellate Authority, by order dated 30.08.2022,



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partly allowed the appeal and reversed the findings with regard to the willful default, however, confirmed the findings with regard to own use and occupation. Aggrieved over the same, the petitioner/tenant has filed the present Civil Revision Petition.

3. The learned counsel appearing for the petitioner submits that the petitioner/tenant is a practising Advocate and he is also running his office in the premises owned by the respondent/landlord for the past 12 years. But, the respondent/landlord, without having any reason, filed the eviction petition on the ground of willful default and own use and occupation. The Rent Control Authority has allowed the said petition on both the grounds. But, the Rent Control Appellate Authority has rejected the plea with regard to the willful default, considering the fact that the advance amount given by the petitioner/tenant is lying with the respondent/landlord, however, confirmed the plea with regard to the own use and occupation.



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4. Though the petitioner has made out a case for willful default, this Court is not inclined to accept the grounds raised in the Civil Revision Petition with regard to own use and occupation.

5. At this juncture, the learned counsel for the petitioner expressed the petitioner's difficulty in shifting the premises immediately and requested for a short accommodation at least for a period of six months to find out an alternative place for his office. He has also filed an affidavit before this Court to that effect.

6. Considering the fact that the petitioner is a practising Advocate and he is also running his office in the said premises for the past 12 years, this Court is inclined to grant six months' time to the petitioner to vacate the premises and hand over the possession to the respondent/landlord.



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7. Accordingly, the Civil Revision Petition is dismissed.

However, the petitioner is directed to vacate the premises and hand over the possession to the respondent/landlord on or before 25.04.2023.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No.

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