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C.R.P.Nos.922 & 923 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

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THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.Nos.922 & 923 of 2009
and M.P.Nos.1, 1 & 2 of 2009
C.M.P.Nos.182 & 183 of 2021

Charles Devadoss

... Petitioner in
both CRPs

Vs.

S.S.Nathan

... Respondent in
both CRPs

Common Prayer :- Civil Revision Petitions filed under Section 25(1) of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960, to set aside the order passed in R.C.A.Nos.796 and 797 of 2007 dated 30.01.2009 by the learned Appellate Authority – cum – VII Small Causes Judge, Chennai, confirming the order dated 29.11.2007 passed in M.P.No.369 of 2007 in R.C.O.P.No.268 of 2007 and R.C.O.P.No.268 of 2007 respectively, dated 29.11.2007 passed by the learned XIV Small Causes Judge, Chennai, thereby allow these Civil Revision Petitions.



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In both CRPs.

For Petitioner : Mr.A.V.Arun
Assisted by
Mr.M.A.Arunesh

For Respondent : Mr.M.Sundaramurthy

COMMON ORDER

The Civil Revision Petitions have been filed as against the fair and final orders dated 30.01.2009 passed by the learned Appellate Authority –cum–VII Judge, Small Causes Court, Chennai, in R.C.A.Nos.796 and 797 of 2007, confirming the orders dated 29.11.2007 passed by the learned XIV Judge, Small Causes Court, Chennai, in M.P.No.369 of 2007 in R.C.O.P.No.268 of 2007 and R.C.O.P.No.268 of 2007 respectively, thereby allowing the petition for seeking arrears of rent and also the petition for eviction.

2. In both Civil Revision Petitions, the petitioner is the tenant and the respondent is landlord. The respondent filed petition for eviction on the ground of willful default under Section 10(2)(i) of the Tamil Nadu Building (Lease and Rent Control) Act, 1960 (herein after referred to as "the Act").



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The case of the respondent is that he is the owner of the petition premises and the petitioner was inducted as tenant for the monthly rent of Rs.3,500/-. The petitioner failed to pay rent from the month of February, 2005 and he wilfully and wantonly defaulted in payment of rent. Therefore, he filed petition for eviction as against the petitioner.

3. It was resisted by the petitioner by filing counter stating that there is no wilful default in payment of rent, since the petitioner paid a sum of Rs.28,000/- and it is well within the hands of the respondent. Further, the respondent's agent used to collect the rent and the petitioner has regularly paid the rent to the agent. But with an ulterior motive the agent failed to turn up and there was no one to collect the rent.

4. While pending the eviction petition, the respondent filed petition in M.P.No.369 of 2007, under Section 11(3) & (4) of the Act and claimed arrears of rent from February, 2005 to December, 2006 to the tune of Rs.18,500/- and the same was allowed and directed the petitioner to pay the arrears of rent on or before 28.11.2007. However, the petitioner did not



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comply the same. Pursuant to the non compliance of the order passed under Section 11(3) & (4) of the Act, the learned Rent Controller allowed the petition for eviction and directed the petitioner to vacate the petition premises and hand over the vacant possession in favour of the respondent. Aggrieved by the same, the petitioner filed an appeal and the learned Rent Control Appellate Authority dismissed both the appeals and as against which, the present Civil Revision Petitions.

5. Heard Mr.A.V.Arun, learned counsel appearing for the petitioner and Mr.M.Sundaramurthy, learned counsel appearing for the respondent in both petitions.

6. The learned counsel appearing for the petitioner submitted that now the land lord died and the petition premises is also in dilapidated condition. Therefore, the petitioner wants to vacate the premises and he is ready and willing to hand over the petition premises to the respondent herein. However, he seeks time till May 2023, to vacant and hand over the vacant possession of the petition premises.



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7. Considering the facts and circumstances, this Court finds no infirmity or illegality in the order passed by Courts below. However, the petitioner is directed to vacate and hand over the vacant possession of the petition premises to the respondent on or before, 15.05.2023.

8. With the above directions, both the Civil Revision Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

30.01.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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To

1. The VII Judge,
Small Causes Court,
Chennai.

2. The XIV Judge
Small Causes Court,
Chennai.

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G.K.ILANTHIRAIYAN, J.

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