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CRP(NPD).No.355 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRP(PD).No.355 of 2023
and C.M.P.No.2968 of 2023

D.Manikandan

...Petitioner/Appellant/
Respondent/Tenant

Versus

Mr.K.V.Thomas (Deceased)

1.Madhu Abraham
2.Liza Joseph
3.Anu Philip

... Respondents/Petitioners/
Landlord

PRAYER : Civil Revision Petition has been filed under Section 25(1) of the Tamil Nadu Buildings (Lease and Rent Control) Act to set aside the Decree and Judgement dated 16.06.2022 made in R.C.A.No.811 of 2017 on the file of the Hon'ble VII Judge, Court of Small Causes, Chennai confirming the Decree and Judgement dated 12.10.2017 made in R.C.O.P.No.384 of 2012 on the file of the Hon'ble XIV Judge, Court of Small Causes, Chennai.

For Petitioner : Mr.N.Selvarajan

For Respondents : Mr.Ashok Menon



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ORDER

This Civil Revision Petition has been filed to set aside the Decree and Judgment dated 16.06.2022 made in R.C.A.No.811 of 2017 on the file of the Hon'ble VII Judge, Court of Small Causes, Chennai confirming the Decree and Judgement dated 12.10.2017 made in R.C.O.P.No.384 of 2012 on the file of the Hon'ble XIV Judge, Court of Small Causes, Chennai.

2.The learned Counsel for Revision Petitioner submits that the Revision Petitioner is the Tenant and the Respondents are the Landlord. R.C.O.P.No.384 of 2012 was filed by the Landlord seeking eviction of the Tenant. After due enquiry, the said R.C.O.P.No.384 of 2012 was ordered in favour of the Petitioners/Landlord/Respondents herein.

3.Aggrieved by the same, the Respondent in R.C.O.P No. 384 of 2012/the Petitioner herein had preferred R.C.A.No.811 of 2017 and the said R.C.A.No.811 of 2017 was dismissed after hearing arguments of both the Appellant and the Respondents thereby, confirming the Order of the learned Rent Controller/learned XIV Judge, Court of Small Causes, Chennai.



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5. Aggrieved by the Order dated 16.06.2022 passed in R.C.A.No.811 of 2017 by the learned VII Judge, Court of Small Causes, the Appellant in R.C.A.No.811 of 2017 and the Respondent in R.C.O.P.No.384 of 2012 had preferred this Civil Revision Petition under Section 25(1) of the Tamil Nadu Buildings (Lease and Rent Control) Act.

6. At the stage of admission, the learned Counsel for the Revision Petitioner seeks six (6) months time to vacate the property.

7. The learned Counsel for the Respondents/Landlord is present in Court. He vehemently objected to the same stating that the original Landlord Mr.K.V.Thomas (deceased) had preferred the R.C.O.P No.384 of 2012, the premises was not leased out for residential purpose and it was leased out for non-residential purpose. When the Landlord required the building for his own occupation, the Tenant resisted. Therefore, he was forced to file R.C.O.P.No.384 of 2012 seeking eviction of the Tenant for his own requirement. After due enquiry, the R.C.O.P No.384 of 2012 was allowed in favour of the Landlord. Pending R.C.O.P., the landlord died. The Legal Heirs of the Landlord had impleaded themselves as Petitioners in the R.C.O.P.No.384 of 2012. The R.C.O.P was filed in the year 2012 and the



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Order of the learned Rent Controller was confirmed by the Rent Control Appellate Authority/learned VII Judge, Court of Small Causes, Chennai.

While so, after exhausting all the remedies available to the Tenant, the Tenant has preferred this Civil Revision Petition only to protract the proceedings, which cannot be allowed.

8.Considering the submission of the learned Counsel for the Petitioner seeking time for six (6) months to vacate the property, the objection of the learned Counsel for the Respondents/Landlord is found justified since they had waited this long time from 2012. Therefore, the Civil Revision Petition has no merits. The Revision Petitioner/Tenant can seek time for eviction in the Executing Proceedings.

9.In the result, this Civil Revision Petition stands dismissed.
No costs. Consequently, connected Miscellaneous Petition is closed.

24.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation : Yes/No
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To

- 1.The VII Judge, Court of Small Causes, Chennai
- 2.The XIV Judge, Court of Small Causes, Chennai.



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SATHI KUMAR SUKUMARA KURUP,J.

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