



Rev. Appl. No.81 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.02.2023

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Review Application No.81 of 2022

Karthikesan

... Petitioner

vs.

T.Neethiraja Nadar

... Respondent

Review Application has been filed under Order XLVII Rule 1 r/w Section 114 of the Civil Procedure Code, against the order dated 29.11.2021 passed in Civil Revision Petition (NPD) No.488 of 2021 on the file of the High Court.

For Petitioner : Mr. R.Dhinesh Kumar



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J U D G M E N T

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The petitioner seeks review of the order dated 29.11.2021 made in CRP (NPD) Nos.485, 488 and 489 of 2021.

2. The petitioner is one of the tenants. He was the petitioner in CRP No.488 of 2021. The eviction proceedings were initiated under the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960 seeking eviction on two grounds, viz. wilful default and owner's occupation. Though the Rent Controller dismissed the Eviction petitions, the Appellate Authority allowed the Appeals and directed eviction on both the grounds.

3. In the Civil Revision Petitions filed, I had concluded that the tenants have committed wilful default and therefore, they cannot be heard to contend that they are not defaulters. In respect of CRP (NPD) No.488 of 2021, which is the subject matter of the Review Application, I have observed that though the notice sent after the purchase was returned, at least after the filing of the RCOP viz. the Eviction Petition, the tenant must have taken steps to pay the rent or he should have deposited the rent at the first hearing of the RCOP. Having not done so, the tenant cannot now plead that he is



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not in default and the order needs to be reviewed. I do not find any error on the face of the record.

4. Yet another factor which impels me to reject this Review Petition is the conduct of the tenant in seeking time to vacate after agreeing to file an affidavit of undertaking. Para 11 of the order in the CRP (NPD) Nos. 485, 488 and 489 of 2021, reads as follows:

“11. Mr.S.Raghavan, learned counsel for the petitioners/tenants would seek some time to vacate and hand over the possession. Considering the fact that the petitioners are senior citizens and they have been in possession as tenants for nearly 20 years now, a years time is granted for them to vacate and deliver vacant possession.”

5. Accepting the statement of the learned counsel, I had directed the eviction to be postponed by a year till 30.11.2022 on condition the petitioners filed affidavits of undertaking. I therefore do not find any ground



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to review the order. The Review Application fails and it is accordingly dismissed. There shall be no order as to costs.

10.02.2023

jv

Index: Yes/No

Internet: Yes/No

Speaking order/Non Speaking order

Neutral Citation: Yes



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R.SUBRAMANIAN,J.

jv

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