



CRP. No. 727 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11. 2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 727 of 2023

&

CMP No. 5628 of 2023

V.Shanmugasundaram

...Petitioner

Vs.

1.S.Siddiq

2.Kairunnisa

....Respondents

PRAYER : This petition filed under Section 25 of Tamil Nadu Buildings (Lease & Rent Control) Act 1960, to set aside the fair and decreetal order passed in RCA No. 15 of 2019 dated 15.11.2022 on the file of the Principal Subordinate Court, Erode, revising RCOP No. 8 of 2017 dated 22.01.2019 on the file of the Rent Controller cum Principal District Munsif Court, Erode.

For Petitioner : Mr. J.Titus Enock

For Respondents : Mr. K.S.Jeyaganesan



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ORDER

This petition has been filed to set aside the fair and decreetal order passed in RCA No. 15 of 2019 dated 15.11.2022 on the file of the Principal Subordinate Court, Erode, revising RCOP No. 8 of 2017 dated 22.01.2019 on the file of the Rent Controller cum Principal District Munsif Court, Erode.

2. The respondents herein filed RCOP No. 8 of 2017 to direct the petitioner herein to vacate and surrender vacant possession of the petition mentioned building to the respondents herein/land lords on the ground that wilful default in payment of rent to the respondents and also the respondents are going to start the travel agency in the petition mentioned property and the same was contested by the petitioner herein by denied the respondent claim. After considering the submissions on either side, the Rent Controller cum Principal District Munsif, Erode, dismissed the said petition. Aggrieved over the same, the respondents herein/land lord filed RCA No. 15 of 2019 before the Principal Subordinate Judge, Erode, and the same was allowed. Challenging the same petitioner filed this Civil Revision petition.



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3. The learned counsel for the petitioner submits that the lower appellate Court failed to take note of the fact that the respondents were not produced any document to show that they have taken steps to start the Travel agency in the petition mentioned property. Further, the petitioner has paying the rent without any default but the respondents alleged that the petitioner was default in payment of rent. Further the respondents have another shops adjacent to the petition mentioned property but with an ulterior motive the respondents filed the petition to vacate the petitioner from the premises. Hence he prays to allow this petition.

4. On perusal of the documents relied on the side of the respondents, it shows that the respondents are going to start Travel agency in the petition mentioned building and proved the same by producing building material evidence and admittedly there is no default in payment of rent on the side of the petitioner. However, this court is not inclined to interfere with the order passed by the Principal subordinate court, Erode, in RCA No. 15 of 2019. Further, the petitioner is directed to vacate the petition mentioned building within a period of eight months from the date of receipt of a copy of this order.



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WEB COPY 5. In result, this Civil Revision petition is disposed of. No cost.

Consequentially connected miscellaneous petition is closed.

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T.V.THAMILSELVI,J.

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To

1. The Principal Subordinate Court, Erode.
2. The Rent Controller cum Principal District Munsif Court, Erode.

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