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C.R.P.No.3796 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2023

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

C.R.P.No.3796 of 2016
and C.M.P.No.19405 of 2016

M/s Redsun Marbles Co.,
represented by its Partner
K.S.Subramaniyan

.. Petitioner

Vs.

1. Karthika Devi

2. Kanchana Mala

3. Sakthivel Vikranth Masilamani

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to allow this Civil Revision Petition and set aside the Fair and Decretal order passed in I.A.No.4479 of 2015 in O.S.No.1552 of 2015 dated 09.02.2016 passed by the Hon'ble XI Assistant City Civil Court, Chennai.

For Petitioner : V.R.Appaswamee



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ORDER

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2. The petitioner is the plaintiff and the respondents are defendants. The case of the petitioner is that the petition premises was let out in favour of the petitioner on monthly rental basis. The petition premises is a vacant land. The petitioner had also paid rent for the petition premises. In the vacant land, the petitioner had put up superstructure in the suit property and obtained electricity service connection and is carrying on the business of marbles, granite and natural stone in the suit property. The vacant site has been developed by constructing buildings with the knowledge and consent of the respondents herein. While being so, the respondents caused legal notice, thereby calling upon the petitioner to remove the articles and structures from the suit property. Therefore, the petitioner filed a suit for injunction



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restraining the respondents from in any manner interfering with the peaceful possession and enjoyment of the petitioner and dispossessing him from the suit property without any due process of law. Pending suit, the petitioner filed an application seeking permission to deposit the rent for the suit property.

3. The case of the respondents is that there was no tenancy with the petitioner. The petitioner was permitted to store the marbles. However, he had put up construction without any permission or consent from the respondents. The petitioner is squatting over the suit property and paying only a sum of Rs.5,000/- as charges. Therefore, the respondents vehemently denied the landlord tenant relationship.

4. Even assuming that the petitioner is the tenant under the respondents, he cannot be permitted to deposit the rents in the suit. The petitioner ought to have filed a separate petition before the learned Rent Controller to deposit the rent, if he proves that he is the tenant under the respondents.



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5. Therefore, the Trial Court had rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below and this revision is liable to be dismissed. The Trial Court is directed to dispose of the suit, within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

11.01.2023

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.



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To

The XI Assistant City Civil Court, Chennai.

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