



C.R.P.No.2107 of 2023 &
C.M.P.No.12872 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.2107 of 2023 &
C.M.P.No.12872 of 2023

M/s Sreejee Agencies
rep. By Proprietor Praful Kumar Khanna
No.27, Narayana Mudali Street,
Chennai – 600 079

... Petitioner

Vs.

O.Milapchand

...Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings Lease & Rent Control Act to set aside the Judgment and Decree dated 02.11.2022 passed in R.C.A.no.544 of 2015 on the file of the learned IX Judge, (FAC) Court of Small Causes, Chennai [Rent Controller Appellate Authority] reversing the fair and decreetal order passed in R.C.O.P.No.483/2012 dated 26.06.2015 by the learned XIII Judge, Court of Small Causes at Chennai [Rent Controller].

For Petitioner : Mr.Ashok Menon

For Respondent : Mr.V.V.Ravichandran

ORDER



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The present Civil Revision Petition is filed to set aside the Judgment and Decree dated 02.11.2022 passed in R.C.A.no.544 of 2015 on the file of the learned IX Judge, (FAC) Court of Small Causes, Chennai [Rent Controller Appellate Authority] reversing the fair and decreetal order passed in R.C.O.P.No.483/2012 dated 26.06.2015 by the learned XIII Judge, Court of Small Causes at Chennai [Rent Controller]

2. The brief facts of the case is that the petitioner is the tenant and the respondent is the owner of the subject property. The respondent / landlord preferred R.C.O.P.No.483 of 2012 to pass an order of eviction against the petitioner directing to vacate and deliver the vacant tenancy portion. Upon perusing the petition, counter affidavit and hearing the arguments on either side, the trial court dismissed the petition on the ground that bonafide requirement has not been shown. As against the same, the respondent preferred R.C.A.No.544 of 2015 and the Appellate Authority has allowed the appeal and the order passed in RCOP was set aside. Aggrieved over the same, the petitioner / tenant has preferred the present Revision.

3. The learned counsel for the petitioner submits that the appellate



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court erred in concluding that the petitioner / tenant herein had not let in any evidence to disapprove the respondent/landlord's contention that his business had grown and the present space occupied by him was sufficient for his business. Further, the appellate court had grossly erred in overlooking that no tenant could have any knowledge of any growth or loss in any landlord's business had grown or had been reduced and it was only the concerned landlord who would be able to furnish this information.

3. The learned counsel for the petitioner also submits that the order passed by the appellate authority suffers from several errors, thereby pleaded to set aside the same.

4. On the other hand, the learned counsel for the respondent contends that he is the owner of the premises and the petitioner is in occupation of the ground floor for non-residential purpose. Further, the landlord is carrying on electric goods and cables and other allied business connected to his line in a rented premises and he has improved his business for the past 10 years and unable to store his goods and run the shop in his portion. Therefore, the landlord requires the subject premises for his own occupation, thereby pleaded to confirm the order passed by the appellate authority.

5. Heard the learned counsels on either side and perused the



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documents placed on record.

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6. On going through the averments and pleadings it is seen that respondent's premises was rented out to the petitioner for godown purpose and not for any other purpose. Further, the petitioner has not produced any document to show that they are running show room and if it is so, the nature of tenancy itself would change, since there is a change of business, it was also not intimated and the same would amount to suppressing the fact. The petitioner is residing in the property for more than a decade and litigations are pending. Further, the respondent / landlord is seeking the property for extending his business and there is no contra evidence that the landlord is sitting idle.

7. Considering the fact that the respondent / landlord seeks the possession of the subject property for his own business purpose and according to the present circumstances, it could be seen that the landlord seeks for extending his business and taking note of the fact that there is no contra evidence that the respondent was sitting idle, therefore, this Court is of the view that the appellate authority has rightly ordered eviction of the petitioner, which cannot be found fault with.



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In view of the above, the present Civil Revision Petition is disposed of by directing the petitioner / tenant to vacate the premises and handover the possession to the respondent / landlord on or before 30.12.2023, in the event of failure to handover the possession, the respondent / landlord is at liberty to approach to the concerned local police personnel for evicting the petitioner. The petitioner is also directed to pay the appropriate rent till December, 2023 without any default. Consequently, connected miscellaneous petition is closed. No costs.

27.07.2023

Index : Yes/No
Internet : Yes/No
Speaking order / non speaking order

ssd

To

1. The IX Judge,
(FAC) Court of Small Causes, Chennai
[Rent Controller Appellate Authority]
2. The learned XIII Judge,
Court of Small Causes at Chennai [Rent Controller].



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V.BHAVANI SUBBAROYAN, J.,

ssd

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