



C.R.P. No.2460 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM: **Mr. JUSTICE N.SESHASAYEE**

C.R.P. No.2460 of 2019
and C.M.P.No.16095 of 2019

M.Thangaraj

... Petitioner / Respondent /
Respondent / Tenant

Vs.

B.Arunprasad

...Respondent / Petitioner /
Petitioner / Landlord

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order made in I.A.No.38 of 2018 in R.C.O.P.No.4 of 2018 dated 29.03.2019 by the learned Rent Controller / District Munsif at Katpadi, Vellore District.

For Petitioner : Mr.Arun Anbumani

For Respondent : Mr.M.Ramamoorthi

ORDER

The alleged tenant in RCOP.No.4 of 2018 has preferred this revision. Facing the prospects of an eviction under Section 10(2)(1) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, the tenant has raised a dispute as to the



title of the landlord within the meaning of proviso to Section 10(1) of the Act.

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2. In his petition for eviction, the landlord took out an application in I.A.No.38 of 2018 for amending the petition. Whereas the landlord has asserted in his petition that the revision petitioner has been his alleged tenant from April '2015, in the proposed amendment he wanted to shift the year to 2010. This amendment was allowed by the Rent Controller, challenging which, the revision petitioner has come forward with the present revision.

3. The learned counsel for the revision petitioner informs the Court that since the filing of the present revision, the landlord has laid O.S.No.21/2022 before the Principal District Court, Vellore for declaration of his title and also for delivery of vacant possession. He added that this strategy of landlord indicates that he had conceded that there indeed is a bonafide dispute as to the landlord's title. This Court is further informed by the learned counsel that the alleged tenant/defendants in that suit were set exparte and they have taken out necessary applications for setting aside the exparte order passed against them, and the same is pending.

4. The learned counsel for the respondent fairly admits that the landlord had



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laid a suit in O.S.No.21/2022, based on the defence raised by the revision petitioner. He also made a statement that RCOP will be withdrawn with a leave to decide all rights *inter se* between the parties, is now open to be decided in O.S.No.21/2022.

5. In view of the fact that even RCOP need not survive and at any rate the CRP has no cause to stay on the record of the Court, and due to change of circumstances, this revision has become infructuous.

6. In the result, the revision petition stands closed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

29.03.2023

Index : Yes / No
Speaking order / Non-speaking order
ds

To:
1.The Rent Controller / District Munsif
Katpadi, Vellore District.

2.The Section Officer
VR Section, High Court, Madras.



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N.SESHASAYEE, J.,

ds

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