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C.R.P.Nos.3182 & 3186 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2023

CORAM:

THE HONOURABLE Mrs.JUSTICE V. BHAVANI SUBBAROYAN

Civil Revision Petition.Nos.3182 &3186 of 2023
and
Civil Miscellaneous Petition Nos.19623 & 19634 of 2023

T.Selvaraj

... Petitioner in both CRPs'

Vs.

V.K.Prakash

... Respondent in CRP.No.3182 of 2023

V.K.Krishnamoorthy

... Respondent in CRP.No.3186 of 2023

Common Prayer: Civil Revision Petitions filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, Act 18 of the 1960 seeking to set aside the fair and decretal order dated 15.03.2023 passed by the VII Court of Small Causes at Chennai in R.C.A.Nos.70 and 71 of 2019 which in turn confirmed the fair and decretal order dated 24.09.2018 passed by the XI Court of Small Causes at Chennai in R.C.O.P.Nos.1626 and 1628 of 2015 and thereby to dismiss the said petition in R.C.O.P.Nos.1626 and 1628 of 2015 on the file of the XI Court of Small Causes at Chennai.



C.R.P.Nos.3182 & 3186 of 2023

In both CRPs:

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For Petitioner : Mr.Krishnasamy R

For respondent : M/s.M.A.Lakshmipathi for Caveator

COMMON ORDER

These Civil Revision Petitions are filed against the fair and decretal order passed by the VII Court of Small Causes at Chennai in RCA. Nos. 70 and 71 of 2019 dated 15.03.2023 and confirmed by the XI Court of Small Causes at Chennai in RCOP Nos. 1626, 1628 of 2015, dated 24.09.2018.

2. Brief facts of the case are as follows:

The respondent/landlord is the absolute owner of the schedule premises. The petitioner is the tenant under the respondent in the schedule premises for a monthly rent of Rs.16,000/- per month. The respondent/landlord, filed R.C.O.P.Nos.1626 and 1628 of 2015, under Section 14(1)(b) of Tamil Nadu Buildings (Lease and Rent Control Act) 18 of 1960 as Amended by Act 23 of 1973 on the file of XI Small Causes Court, Chennai seeking eviction against the petitioner/tenant and the same was allowed. The petitioner/tenant had preferred appeal in RCA.Nos.70 and 71 of 2019 under Section 23(1)(b) of Tamil Nadu Buildings (Lease and Rent



Control) Act, against the order dated 24.09.2018 in R.C.O.P.Nos.1626 and 1628 of 2015 and the same was dismissed. Challenging the said order, the petitioner has come forward with the present Civil Revision Petition.

3. The learned counsel for the petitioner submitted that the petitioner is a tenant under the respondent in respect of the schedule premises and he has paid a sum of Rs.50,000/- towards rental advance. The learned counsel further submitted that the intension of the respondent is to evict the petitioner and let out the premises to some third parties for higher rent and the respondent has also not complied with the provisions contemplated under Section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control), Act 18 of 1960. Hence, the petitioner prays to set aside the order passed in R.C.A.Nos.70 & 71 of 2019.

4. The learned counsel for the respondent/landlord submitted that the petitioner premises was more than 56 year old and in a dilapidated condition. The respondent/landlord proposed to demolish and reconstruct a new building so as to augment his income and he has also got sufficient funds. Hence, the learned counsel prays to dismiss the above Civil Revision Petition.



5. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials placed on record.

6. Considering the above facts and circumstances of the case, and the submissions made by the learned counsel on both sides, this Court is inclined to pass the following order.

“The orders passed by the Courts below, which are impugned in these Civil Revision Petitions, are not required to be interfered with and they are confirmed. The petitioner/tenant is directed to vacate the petition premises on or before 31.12.2023, failing which, the respondent/landlord is at liberty to proceed with the help of the Police Officials concerned.”

7. With the above direction, these Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking Order: Yes/No



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To

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1. VII Court of Small Causes,
Chennai.
2. XI Court of Small Causes,
Chennai.



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V. BHAVANI SUBBAROYAN, J.

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