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CRP.No. 2937 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

CRP.No. 2937 of 2023

and

CMP.No.18166 of 2023

A.H. Balaji
Proprietor,
M/s Balaji Medical Centre,
Carrying Business at
No.4 (Old 8), Jagadeeswaran Street,
T.Nagar, Chennai 600 017.

.. Petitioner

Versus

M. Saravanan

.. Respondents

Prayer: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (LEASE AND RENT CONTROL) Act 1960 to set aside the fair and decretal order passed by the Hon'ble VII Small Causes Court at Chennai in RCA No.153 of 2022 dated on 10.07.2023 is hereby confirmed the Judgment and decree dated 22.08.2022 in RCOP.No.197 of 2017 order passed by the Hon'ble XV Judge of Small Causes Court, Chennai and pass orders .



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For Petitioner : Mr. K. Nagarajan
For Respondents : Mr. M. Balasubramanian
for caveator

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order passed by the VII Small Causes Court at Chennai in RCA No.153 of 2022 dated on 10.07.2023 confirming the Judgment and decree dated 22.08.2022 in RCOP.No.197 of 2017 order passed by the Hon'ble XV Judge of Small Causes Court, Chennai.

2. Brief facts set out in the petition are as follows:

2.1. The Revision Petitioner herein is the appellant and the respondent herein is the respondent in RCA.No. 153 of 2022 before the Court of Small Causes Chennai. The Appellant is the tenant in the subject property and the Respondent is the land lord.



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2.2. The subject property was let out to the Appellant/Petitioner herein for a monthly rent of Rs.40,000/- per month for running medical diagnostic centre exclusively to cater for seafarers. The further case of the landlord/respondent is that he is living with his brother as a joint family, hence, they require the portion let out to the Appellant/Petitioner, for their own occupation. Hence, the landlord/respondent insisted the petitioner to vacate the subject property, but the petitioner does not vacate the premises, due to which the landlord/respondent filed R.C.O.P.No.197 of 2017 before the XV Court of Small Causes at Chennai, wherein, the Rent controller directed the petitioner/tenant to vacate the subject property and handover the same to the Respondent.

2.3 Challenging the same, the Petitioner/tenant preferred an appeal in RCA.No.153 of 2022 before the Learned VII Judge, Court of Small Causes Chennai, who dismissed the appeal vide order dated 10.07.2023 and confirmed the order passed in R.C.O.P.No.197 of 2017 before the XV Court of Small Causes at Chennai. Challenging the same the petitioner has come up with this Revision petition.



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3. The learned counsel appearing for the Revision petitioner/tenant submitted that he is a statutory tenant and he is also regularly paying the rent to the respondent. He further submitted that if he changes the address of the medical center it will be very difficult for him for renewal of medical licence. Hence he prays to allow this petition.

4. The learned counsel for the Respondent/landlord submitted that that they are in need of the premises for additional accommodation and no hardship will be caused to the petitioner/tenant by vacating the subject property as he has already shifted his Medical center to his own building. Hence he seeks a direction of this Court to the petitioner to vacate the subject property.

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

6. On a perusal of records it is seen that the subject property was



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let out to the petitioner only for rent and after some period the land lord/claimant requires the premises for their additional accommodation which was questioned by the petitioner herein/tenant, hence he instructed the tenant to vacate the premises. It is a well established law that the tenant cannot dictate terms to the land lord. Further more, eventhough the petitioner/tenant averred in the petition that he has spent money to the schedule premises, no document was filed in respect of amount spent to the schedule premises. Further more, the landlord also proved his bona fide required of schedule premises. Hence, the learned Judge VII Small Causes Court, Chennai passed dismissal order in RCA No.153 of 2022 dated on 10.07.2023 after re-appreciating each and every aspects, which is perfectly valid and there is no necessity to interfere with the same.

7.Considering the aforesaid facts and circumstances of the case, that the Respondent have let the subject property for rent with a *bona fide* intention and the petitioner ought to have vacated from the premises as the landlord require the subject property.

8. In view of the above, this Court further directs the petitioner to



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vacate from the premises in question and handover the possession of the same to the respondent on or before 30.11.2023 without fail, failing which, the Respondent can evict the petitioner/tenant through the help of local police if necessary

9. With the above observations, this C.R.P is disposed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

23.08.2023

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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To

1. VII Small Causes Court at Chennai
2. XV Judge of Small Causes Court, Chennai
3. The Section Officer, V.R.Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

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