



C.R.P.No.3625 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **01.02.2023**

CORAM:

THE HON'BLE MR.JUSTICE S.M. SUBRAMANIAM

C.R.P.No.3625 of 2022

and

C.M.P.No.19229 of 2022

A.Anandan

... Petitioner

Versus

D.Jothianandan

... Respondent

PRAYER: Civil Revision Petition has been filed under Section 25 of Tamil Nadu Buildings Lease and Rent Control Act, 1960, praying to set aside the order and decree dated 30.06.2022 passed by the learned VII Small Causes Court Judge at Chennai in R.C.A.No.125 of 2020 confirming the fair and decretal order dated 21.11.2020 passed in M.P.No.200 of 2019 in R.C.O.P.No.1408 of 2018 on the file of the learned XVI Small Causes Court Judge at Chennai.

For Petitioner : Ms.E.Swetha
for Mr.T.K.S.Gandhi
For Respondent : Mr.V.M.Venkat Ramana

ORDER

The Civil Revision Petition is filed to set aside the order and decree dated 30.06.2022 passed by the learned VII Small Causes Court Judge at



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Chennai in R.C.A.No.125 of 2020 confirming the fair and decreetal order dated 21.11.2020 passed in M.P.No.200 of 2019 in R.C.O.P.No.1408 of 2018 on the file of the learned XVI Small Causes Court Judge at Chennai.

2.The revision petitioner is the tenant and the respondent/landlord instituted the eviction proceedings in R.C.O.P.No.1408 of 2018 before the Rent Controller. During the pendency of the R.C.O.P. proceedings, the respondent/landlord filed M.P.No.200 of 2019 under Section 11(4) of the Tamil Nadu Building Lease and Rent Control Act (in short 'the Act') to deposit the arrears of rent. The petition was allowed by the Rent Controller on 21.11.2020 directing the revision petitioner/tenant to pay a sum of Rs.3,40,000/- (Rupees Three Lakhs and Forty Thousand only) being the rental arrears up to October 2020 to be paid on or before 01.12.2020, failing which, all further proceedings in the above R.C.O.P. will be stopped and consequential order of eviction will be passed. Further, the revision petitioner/tenant was directed to pay the future monthly rents on or before 7th of every consecutive English calendar month.



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3.Challenging the order dated 21.11.2020 passed in M.P.No.200 of 2019, the revision petitioner/tenant preferred an appeal in R.C.A.No.125 of 2020. The Rent Appellate Authority elaborately considered the grounds raised by the revision petitioner/tenant and made a finding that the revision petitioner claimed that the premises was rented only from February 2018 and not from November 2017. Thus, the calculation of arrears from November 2017 is incorrect. The revision petitioner/tenant in his counter before the Rent Appellate Court has claimed compensation from the landlord at the rate of Rs.7,000/- per month from the month of September 2017. However, he has nowhere disputed in his counter filed in the application that the tenancy commenced only from February 2018 and not from November 2017, when such is the case, the tenant was found not entitled to take a new plea at the appellate stage before the Rent Controller Appellate Authority. The contradictory statement made by the revision petitioner was identified by the Rent Control Court and accordingly, the appeal filed by the revision petitioner/tenant challenging the order passed in M.P.No.200 of 2019 was dismissed by the Rent Appellate Authority on 30.06.2022.

4.The learned counsel for the revision petitioner made a submission



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that now the revision petitioner is ready and willing to pay the arrears of rent in entirety as per the orders passed by the Rent Controller in M.P.No.200 of 2019 dated 21.11.2020. Such a submission if considered would pay way for dragging on the proceedings initiated by the landlord for eviction of the tenant. The very statement made in this regard, would establish that the revision petitioner committed default in payment of rents and even at the time of passing of the order in M.P.No.200 of 2019 dated 21.11.2020, the arrears of rent was about a sum of Rs.3,40,000/- and the revision petitioner has paid only a part amount of rent and balance is yet to be paid. Thus, the default in payment of rent continues and therefore, as per the orders passed by the Rent Controller in M.P.No.200 of 2019, the revision petitioner is liable to be vacated.

5.The learned counsel for the respondent brought to the notice of this Court that the eviction order has already been passed by the Rent Controller on 21.11.2020 and therefore, the revision petitioner is not entitled to continue in the subject premises belonging to the respondent/landlord.

6.In view of the facts and circumstances, the revision petitioner has



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not made any acceptable ground for the purpose of interference with the orders passed by the Rent Controller and the Rent Appellate Authority confirming the orders passed by the Rent Controller.

7. Accordingly, the fair and decreetal order dated 30.06.2022 passed by the learned VII Small Causes Court Judge at Chennai in R.C.A.No.125 of 2020 confirming the fair and decreetal order dated 21.11.2020 passed in M.P.No.200 of 2019 in R.C.O.P.No.1408 of 2018 on the file of the learned XVI Small Causes Court Judge at Chennai is confirmed. Further, the revision petitioner is directed to vacate the subject premises and hand over the vacant possession to the respondent/landlord within a period of one month from the date of receipt of a copy of this order.

8. In the result, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

01.02.2023

Index: Yes
Speaking Order
Neutral Citation Case: Yes
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S.M. SUBRAMANIAM, J.,



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WEB COPY

To

- 1.The VII Small Causes Court Judge at Chennai.
- 2.The XVI Small Causes Court Judge at Chennai.
- 3.The Section Officer, VR Section, Madras High Court.

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