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CRP No. 4365 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.4365 of 2023
and
CMP.No.26518 of 2023

S.Mahalakshmi

... Petitioner

Versus

Somusekar

... Respondent

Civil Revision Petition filed Under Section 25 of TamilNadu Buildings (Lease and Rent) Control Act No.18 of 1960 and Act No.23 of 1973 and Act No.1 of 1980, praying to set aside the fair and decretal order dated 26.06.2023, passed in R.C.A.No.436 of 2016 on the file of the VIII Judge (Appellate Authority) Small Causes Court, Chennai, confirming the fair and decretal order dated 29.07.2016 passed in R.C.O.P.No.415 of 2014, on the file of the Rent Controller/XV Judge Small Causes Court, Chennai.

For Petitioner : M/s.G.Sumitra
For Respondent : Mr.S.Pugalanthi

ORDER

The petitioner has filed this petition to set aside the fair and decretal order dated 26.06.2023, passed in R.C.A.No.436 of 2016 on the file of the VIII Judge (Appellate Authority) Small Causes Court, Chennai, confirming



CRP No. 4365 of 2023

the fair and decretal order dated 29.07.2016 passed in R.C.O.P.No.415 of 2014, on the file of the Rent Controller/XV Judge Small Causes Court, Chennai.

2. Heard, M/s.G.Sumitra, learned counsel for the petitioner and Mr.S.Pugalanthi, learned counsel for respondent and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the learned Rent Control Appellate Authority erroneously held that the appellant is running a different business for other than it has been let out is baseless as such, RW1 has clearly stated that the oil being sold by wholesale by way of packets as well and the same has been wrongly interpreted and perverse findings has been given by both authority for the order of eviction. He further submitted that the Court below has failed to note that the Document in Exs.P4 & P5 are unreliable pieces of evidence in as much as, the documents have not been examined. The Courts below has failed to note that it is the duty of the landlord to satisfy the Court about his bonafideness in seeking the requirement, under the ground of owner's occupation and the relief cannot be granted for mere asking.



CRP No. 4365 of 2023

WEB COPY

4. On a perusal of the records, it reveals that, even during cross examination of R.W.1 the tenant has admitted that she is running oil business in the landlords property in the name and style of “Saravanabhavan Oil Stores” but adjacent to the shop she also running one more Oil store. Though she denied, two shops are under her control, which was appreciated by the Rent Control Appellate Authority. Therefore, the findings rendered by the Courts below are confirmed, which needs no interference.

5. However, the petitioner / tenant is directed to vacate the premises within a period of three months from the date of receipt of a copy of this order. Failing which the land lord is entitled to execute the order, before the executing Court by filling appropriate application.

6. With the above observation, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

27.11.2023

Index : Yes/No
Speaking/Non Speaking order

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CRP No. 4365 of 2023

Neutral Citation: Yes/No

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T.V.THAMILSELVI, J.

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To

1. The VIII Judge (Appellate Authority) Small Causes Court, Chennai.
2. The Rent Controller/XV Judge Small Causes Court, Chennai.
3. The Section Officer,
VR-Section, High Court of Madras.

Civil Revision Petition No.4365 of 2023

27.11.2023