



C.R.P.(NPD) No.3454 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Civil Revision Petition (NPD) No.3454 of 2019
and C.M.P.No.22707 of 2019

Ramani

... Petitioner

-Vs-

Arunkumar

... Respondent

Prayer : Civil Revision Petition under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 as amended by Act 23 of 1973 against the fair and final order and decreetal order dated 12.04.2019 made in RCA No.5/17 on the file of the Sub-Court, Ponneri confirming the order and decreetal order dated 02.03.2017 made in RCOP No.15/15 on the file of the District Munsif Court, Thiruvottiyur.

For Petitioner : Mr.R.Dhamodharan

For Respondents : Mr.R.Krishnaswamy

ORDER

The Civil Revision Petitioner is the tenant. R.C.O.P.No.15 of 2015 was presented under the head of Section 10(3)(a)(i) of the Tamil Nadu Buildings lease and Rent Control Act, 1960.



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2. The tenant had paid an advance of Rs.2,00,000/-. The landlord was occupying the tenanted premises, which he did not find suitable for his occupation. Therefore, he wanted the tenant to be evicted for his own use and occupation. A counter was presented stating that the landlord is one Sulochana and the present landlord ArunKumar had practiced guile on her and obtained a sale deed in his favour. According to him, the vendor had not cleared the dues that the erstwhile owner / vendor Sulochana was entitled to and therefore he pleaded that the Rent Control Original Petition should be dismissed as there was a denial of relationship of landlord and tenant.

3. The Rent Controller had gone into this issue in R.C.O.P.No.15 of 2015 and ordered eviction. As against the order of eviction dated 02.03.2017, an appeal was preferred to the Rent Control Appellate Authority by the tenant. This appeal was taken on file as R.C.A.No.5 of 2017. The Rent Control Appeal was dismissed, against which the present revision has been filed.

4. Heard Mr.R.Damodharan, learned counsel for the petitioner and Mr.R.Krishnaswamy learned counsel for the respondent and I have gone through the records.



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5. Let me first take up the issue of denial by the tenant of the title of the landlord. This argument, in my view, is red herring submission. Ex.P.1 is the rental deed executed between Ramani and Arun Kumar. In this deed, the tenant has admitted that Arun Kumar is the landlord and therefore is not entitled to deny the title of the landlord. Even assuming that the original owner Sulochana has some amounts outstanding from Arun Kumar, it is the litigation between Sulochana and Arun kumar and it is not the concern of the tenant. It is not the jurisdiction of the Rent Controller to go into the question of title. Having said that, I have to add that a tenant cannot deny the title of the landlord. Such a denial is barred by virtue of the Indian Evidence Act.

6. Insofar as the second ground of own use and occupation is concerned, it is not in dispute that the landlord himself is in occupation of tenanted premises. He has substantiated the same by filing Ex.P.5, which are the rental receipts for the property in which he is a tenant. It is always the desire of an owner to occupy his own premises and it is not the business of a tenant to dictate where the landlord should reside. The document in Ex.P.5 makes it very clear that the respondent herein is in occupation of the tenanted premises and therefore I am able to see the bonafides in his claim to evict the petitioner and occupy the premises, which is his own. Both the aspects having gone against the tenant, I am left with no other



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option than to confirm the order of the Rent Controller in R.C.O.P.No.15 of 2015 dated 02.03.2017 and that of the Rent Control Appellate Authority in R.C.A.No.5 of 2017 dated 12.04.2019.

7. The learned counsel for the petitioner would submit that a sum of Rs.2,00,000/- is still pending with the landlord. The landlord is present in the Court and he has instructed Mr.R.Krishnaswamy learned counsel for the respondent / landlord to state that the amount of Rs.2,00,000/- will be paid to the tenant within three months from today. Recording the same, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

16.08.2023

Index : Yes/No

NCS : Yes/No

KST

To

1.The Subordinate Judge
Ponneri.

2.The District Munsif
Thiruvottiyur.



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V. LAKSHMINARAYANAN, J.

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