



C.R.P.No.156 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.156 of 2023

and

C.M.P.No.1315 of 2023

K.S.Kaarthik

... Petitioner

Vs

K.Sathivel

... Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order in E.P.No.85 of 2021 in R.C.O.P. 68 of 2018 dated 04.07.2022 on the file of the Principal District Munsif, Poonamallee and thereby allow the Civil Revision Petition.

For Petitioner : Mr.N.Suresh



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ORDER

The Civil Revision Petition is filed to set aside the fair and decretal order passed in E.P.No.85 of 2021 in R.C.O.P. No.68 of 2018 dated 04.07.2022. The revision petitioner is the tenant and the respondent/landlord instituted eviction proceedings in R.C.O.P. No.68 of 2018.

2. During the pendency of the rent control proceedings, the respondent/landlord filed miscellaneous petition in M.P.No.99 of 2019 under Section 11(1)(3) and (4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, for a direction to direct the tenant to pay him the arrears of monthly rent of Rs.3,00,000/- (Rupees Three Lakhs Only).

3. The miscellaneous petition was adjudicated and the Rent Controller passed an order allowing the miscellaneous petition and thereby directed the tenant to pay the arrears of rent of Rs.3,00,000/- (Rupees Three Lakhs Only) within a period of two months from 29.03.2021. The



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conditional order passed by the Rent Control Court admittedly had not been complied with by the revision petitioner/tenant.

4. The learned counsel for the petitioner made a submission that the revision petitioner preferred an appeal against the order passed in the miscellaneous petition which is pending. During the pendency of the said appeal, the respondent landlord filed E.P.No.85 of 2021 and the execution petition was allowed. Thus, the present Civil Revision petition is filed.

5. The learned counsel for the revision petitioner made a submission that the revision petitioner is ready and willing to settle the entire arrears of rent without any further delay. Now the question arises, whether such a submission needs to be considered by the High Court at this length of time, which would undoubtedly cause greater prejudice to the interest of the landlord as the eviction proceedings are pending for more than 4 years ?



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6. Admittedly the conditional order passed in M.P.No.99 of 2019 dated 29.03.2021 has not been complied with by the revision petitioner/tenants. Instead of complying with the condition by paying the arrears of rent to the landlord, he preferred an appeal which is pending. Meanwhile, the respondent/landlord filed E.P.No.85 of 2021 and the Rent Trial Court considered the issues and allowed the execution petition and directed the tenants to handover the schedule mentioned property by 18.08.2022. The said order dated 04.07.2022 passed in E.P.No. 85 of 2021 is challenged in the present Civil Revision Petition after a lapse of about 8 months. Therefore, the submission now made by the revision petitioner that they will pay the arrears of rent cannot be accepted and in the event of accepting such submission, a greater prejudice would be caused to the interest of the landlord as the revision petitioner is a chronic defaulter in payment of rent for several months and also the conditional order passed by the Rent Control Court was not complied with by the revision petitioner. Thus, the petitioner is not entitled for any leniency from the hands of this Court and is liable to be evicted as per the order passed in the execution



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proceedings in E.P.No.85 of 2021.

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7. In view of the facts and circumstances, this Court does not find any infirmity in respect of the order passed in the execution petition. The revision petitioner is directed to vacate the premises and hand over vacant possession to the respondent landlord within a period of one month. Accordingly, the fair and decretal order passed in E.P.No.85 of 2021 in R.C.O.P. No.68 of 2018 dated 04.07.2022 is confirmed and thus, the Civil Revision Petition in C.R.P.No.156 of 2023 stands **dismissed**. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Speaking Order

Internet : Yes

Index: Yes



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S.M.SUBRAMANIAM, J.

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Principal District Munsif, Poonamallee.

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