



CRP No.4573 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.4573 of 2023
and
CMP.No.27386 of 2023

Goutham Chand

... Petitioner

Versus

1.R.MangilalRanka
2.M.Mahaveer Chand Ranka
3.M.Sandeed Kumar Ranka

...Respondents

Civil Revision Petition filed Under Section 227 of Constitution of India, praying to set aside the order passed by RCA.No.594 of 2017 dated 10.04.2023 on the file of VII Small Causes Court, Chennai reversing the order dated 25.07.2017 in RCOP.No.1945 of 2012 on the file of XIV Small Causes Court, Chennai.

For Petitioner : M/s. Sai Srujan Tayi

For Respondents : Mr.V.Chanakya

ORDER

The petitioner has filed this revision petition to set aside the order passed by RCA.No.594 of 2017 dated 10.04.2023 on the file of VII Small Causes Court, Chennai reversing the order dated 25.07.2017 in RCOP.No.1945 of 2012 on the file of XIV Small Causes Court, Chennai.

<https://www.mhc.tn.gov.in/judis> Heard, M/s. Sai Srujan Tayi, learned counsel for the petitioner,



CRP No.4573 of 2023

Mr.V.Chanakya, learned counsel appearing for the respondents and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the Court below has failed to notice that the petitioner having paid the entire arrears of rents on the very first date of hearing, and he has not committed any willful default in payment of rents. He further submitted that the Court below has not considered the well settled proposition of law that once the arrears of rents are remitted on the very first date of hearing, there is no willful default and not properly appreciated the fact that the respondents herein have been evading to receive the rents which forced the appellant to remit the rents through money orders. Hence, the revision petitioner / tenant has preferred this Civil revision petition.

4. By way of reply, the learned counsel for the respondents submitted that before the Rent Controller they have deposed that the tenant has not paid the rent regularly, and had committed willful default in payment.

5. On a perusal of the records, it reveals that the landlord was examined as P.W.1 and all the particulars are known to the tenant. On the side of the respondent one Ramesh was examined as RW.1, but he was not available for



CRP No.4573 of 2023

cross-examination, so the conduct of the tenant shows that he has not denied the default committed by paying the rent and the landlord was rightly concluded that the tenant has committed willful default in payment of the rent.

6. Even as per the submission made by the revision petitioner most of the times the tenant used to pay lumpsum rent and committed willful default. Hence, I do not find any valuable reason to allow the petition. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

7. However, the petitioner 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 landlord is entitled to approach through execution Court as per manner known to law. There shall be no order as to costs.

06.12.2023

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation: Yes/No

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To

1. The VII Small Causes Court, Chennai.

2. The XIV Small Causes Court, Chennai.

3. The Section Officer, VR-Section, High Court of Madras.



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CRP No.4573 of 2023

T.V.THAMILSELVI, J.

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