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C.R.P.(NPD)No.4719 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(NPD)No.4719 of 2017
and CMP.No.22182 of 2017

A.Rajammal

... Petitioner

Vs.

1.R.Chudamani

2.R.Narendra Chandra

3.R.Maneeh Chandra

... Respondents

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the Judgment and Decree dated 11.4.2016 in R.C.A.No.13 of 2015 on the file of the Principal Sub Court, Salem, confirming the Judgment and Decree dated 25.6.2015 in RCOP.No.15 of 2012, on the file of the Rent Controller/II Additional District Munsif Court, Salem.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.T.M.Ramalingam

ORDER

This revision arises against an order dismissing RCA.No.13 of 2015 on the file of the learned Rent Control Appellate Authority-cum-



C.R.P.(NPD)No.4719 of 2017

Principal Subordinate Judge, Salem dated 11.04.2016, confirming the judgment and decree in RCOP.No.15 of 2012 on the file of the learned II Additional District Munsif-cum-Rent Controller, Salem dated 25.06.2016.

2.The relationship between the parties is not denied. The petitioner is the tenant and the respondent is the landlord. The petitioner became a tenant under Rajendran, who was the landlord. The said Rajendran died in and about 2011 leaving behind as his legal heirs, his wife Chudamani and sons Narendra Chandra and Maneeh Chandra.

3.Alleging that the landlords were refusing to receive the rents, the tenant preferred RCOP.No.15 of 2012.

4.It has been settled by a judgment of the Supreme Court in ***E.Palanisamy v. Palanisamy (Dead) By LRs and others reported in (2003) 1 SCC 123*** that a tenant will have to follow the steps under Section 8 of the Tamil Nadu Buildings (Lease and Rent Control) Act, one after another and failure to follow the same is fatal to the case.

5.In this particular case, the tenant did not issue a notice to the



C.R.P.(NPD)No.4719 of 2017

landlords calling upon them to give the bank account details in order to enable him to deposit the rents into the bank.

6.Learned counsel for the petitioner vehemently argued that oral notice was given. However, under Section 8(2) of the Tamil Nadu Buildings (Lease and Rent Control) Act, the notice must be in writing calling upon the landlord to specify the bank account. Having failed to comply with the statutory requirement, I necessarily have to follow the judgment of the Supreme Court in ***E.Palanisamy v. Palanisamy (Dead) By LRs and others reported in (2003) 1 SCC 123*** and confirm the order of the Courts below.

7.In fine, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2023

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

vs

To

1.The Principal Sub Court, Salem.

2.The Rent Controller/II Additional District Munsif Court,
Salem.

3/4



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C.R.P.(NPD)No.4719 of 2017

V.LAKSHMINARAYANAN,J.

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