



C.R.P.No. 4776 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4776 of 2023

and

C.M.P.No. 28331 of 2023

S. Rajasekar

.. Petitioner

Vs

R. Sivaparam

.. Respondent

PRAYER: Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings Lease and Rent Control Act, to set aside the fair and decreetal order passed by the learned Principal Subordinate Judge, Coimbatore in RCA.No.12 of 2022 dated 12.09.2023 confirming the fair and decreetal order in RCOP.No.133 of 2016 on the file of Rent Controller cum Principal District Munsif at Coimbatore dated 04.10.2017 and thus render justice.

For Petitioners : Mr. B. Nedunzhelian

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order passed by the learned Principal Subordinate Judge,



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Coimbatore in RCA.No.12 of 2022 dated 12.09.2023 confirming the fair and decreetal order in RCOP.No.133 of 2016 on the file of Rent Controller cum Principal District Munsif at Coimbatore dated 04.10.2017.

2. The revision petitioner herein is the tenant in RCOP.No.133 of 2016, which was filed by the respondent / landlord on the ground of wilful default. During the pendency of the proceeding, the landlord filed an application in I.A.No.60 of 2007 under Section 11(4) and the same was allowed on 07.07.2017 by the Rent Controller and directed the tenant to pay rent arrears of Rs.36,000/- within two months. But the tenant has not paid the amount. Hence, the defence was struck off and order of eviction was ordered.

3. The tenant has preferred RCA against the order of eviction passed by the Rent Controller. On considering the conduct of the tenant, the Appellate Authority held that the tenant has committed wilful default in payment of rent and the respondent who is the landlord, after retiring from his service, is residing in quarters, so he need the petition mention property.



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Accordingly, the Appellate Authority confirmed the findings of the Rent Controller. As against which, the present revision is filed.

4. The learned counsel for the petitioner submits that in RCOP he has valid defence, but the rent controller has not given opportunity to contest the case and erroneously ordered his defence to be struck off. Hence, he prayed to set aside the findings.

5. On perusal of the records, it reveals that as the tenant committed wilful default, the landlord, after issuance of notice, has filed the eviction petition in the year 2016. In the year 2017, the tenant was ordered to pay rent arrears but the same was not been complied with, which clearly shows that the tenant has committed wilful default. So in the application under Section 11(4), he was ordered to be evicted and the same was confirmed by the Appellate Authority. Therefore, the prayer sought by the revision petitioner as such is not permissible.



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6. Accordingly, the Civil Revision Petition stands dismissed as no merits. Two months time is granted to vacate the premise from today since the landlord is aged about more than 60 years old. No costs. Consequently, connected miscellaneous petition is closed.

14.12.2023

Index :Yes/No
Neutral Citation :Yes/No
AT

To

1. The Subordinate Judge, Coimbatore.
2. The Rent Controller cum Principal District Munsif, Coimbatore.



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T.V.THAMILSELVI, J.

AT

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