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C.R.P.Nos.4919, 4923 & 4925 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HON'BLE MR.JUSTICE T.V.THAMILSELVI

C.R.P.Nos.4919, 4923 & 4925 of 2023 &
C.M.P.No.28962 of 2023

John Prabhakar ... Petitioner in all C.R.Ps.

Vs.

Uma Maheswari ... Respondents in all C.R.Ps.

PRAYER in C.R.P.No.4919 of 2023: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the judgment and decree dated 25.09.2023 in RCA.No.418 of 2018 passed by the learned IX Small Causes Court, Chennai in confirming the order and decree dated 02.04.2018 passed in RCOP.No.1324 of 2014 on the file of the learned XIV Small Causes Court, Chennai.

COMMON PRAYER IN C.R.P.Nos.4923 & 4925 of 2023: Civil Revision Petitions filed under Article 227 of Constitution of India to set aside the common order and decree dated 25.09.2023 passed in M.P.No.1 of 2021 in RCA.No.418 of 2018 on the file of the IX Court of Small Causes, Chennai.

For Petitioner : Mr.E.Sampath kumar,
in all C.R.Ps. for Mr.R. Vivekananthan

For respondent : Mr.A.E.Ravichandran
in all C.R.Ps.

COMMON ORDER

Challenging the orders dated 25.09.2023 passed in RCA.No.418 of



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2018, M.P.No.1 of 2021 & M.P.No.3 of 2022 by the learned IX Small Causes Judge, the tenant/respondent in RCOP has filed the present revisions.

2. Originally RCOP.No.1324 of 2014 has been filed by the landlord on the ground of wilful default to vacate and handover the petition premises to the landlord. The said RCOP was allowed. Aggrieved by the same, RCA.No.418 of 2018 has been filed by the Tenant. Pending the RCA.No.418 of 2018, M.P.No.1 of 2021 has been filed to permit the petitioner to adduce additional documentary evidence namely the notice dated 17.11.2007 issued under 13(2) of the SARFAESI Act, Order dated 17.02.2014 passed in Crl.M.P.No.7332 of 2013, order passed in SA.No.28 of 2014 dated 27.03.2014, Order passed in M.P.No.10676 of 2017 dated 24.04.2018, and Order passed in SA.No.345 of 2018 dated 13.12.2018 and M.P.No.3 of 2022 has been filed to permit the petitioner to adduce additional documentary evidence namely Order dated 02.06.2020 in W.P.No.72 of 2019, Application filed in I.A.No.731 of 2018, Order dated 12.07.2013 by the learned DRT in SA.No.131 of 2009 and the High Court cause list dated 02.06.2020. The appellate court dismissed the appeal, M.P.No.1 of 2021 and M.P.No.3 of 2022 against which the present revisions.

3. The learned counsel for the petitioner would submit that as per the



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provisions of Section 13(4)(d) and 13(5) of the SARFAESI Act, the amount paid to the Secured Creditor by the tenant is deemed to be payment on behalf of the borrower landlord and this payment is to be adjusted towards the rent and after the initiation of SARFAESI proceedings, the landlord has lost her rights to maintain eviction proceedings as against the petitioner.

4. Learned counsel for the respondent would submit that the Rent Controller has rightly considered the case and allowed the RCOP filed by the landlord and the Rent Control Authority has also rightly considered the case and dismissed the RCA filed by the tenant by confirming the order passed in RCOP.

5. Since there is no dispute with regard to the relationship between the petitioner and the respondent as the tenant and landlord, this Court do not find any infirmity in the order passed by the courts below. Accordingly, these civil revision petitions are dismissed. The petitioner/tenant is directed to vacate the premises on or before 30.04.2024, failing which, the respondent/landlord is entitled to evict him under execution proceedings. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order/Non-speaking order
Neutral Citations : Yes/No

To

1.The IX Court of Small Causes, Chennai.



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T.V.THAMILSELVI,J.

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