



C.R.P(MD)Nos.1767 & 1768 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P(MD)No.1767 of 2018

and

C.M.P(MD)No.7730 of 2018

and

C.R.P(MD)No.1768 of 2018

K.Pappaiya

...Petitioner in both C.R.Ps

.vs.

K.Shanthi

...Respondent in both C.R.Ps

PRAYER in C.R.P(MD)No.1767 of 2018: Civil Revision Petition filed under Section 25 of Tamilnadu Buildings and (Lease and Rent Control) Act, against the petition and order dated 29.06.2018 in I.A.No.26 of 2017 in R.C.A.No.7 of 2017 on the file of the Rent Control Appellate Authority, Sub Court, Tiruchendur.

PRAYER in C.R.P(MD)No.1768 of 2018: Civil Revision Petition filed under Section 25 of Tamilnadu Buildings and (Lease and Rent Control) Act, against the Fair and Decreetal Order dated 29.06.2018 in R.C.A.No. 7 of 2017, on the file of the Subordinate Judge, Tiruchendur confirming



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the Fair and Decreetal Order dated 18.09.2013 in RCOP No.3 of 2010 on the file of the District Munsif Court, Tiruchendur.

For Petitioner :Mr.G.Prabhu Rajadurai

For Respondent :Mr.M.P.Senthil

COMMON ORDER

The tenant, aggrieved by the order of the Rent Control Appellate Authority (Sub-Court), Tiruchendur in I.A.No.26 of 2017 in R.C.A.No.7 of 2017, is the revision petitioner. The said I.A.No.26 of 2017 was taken out by the respondent/landlord, who alleged that the tenant was in arrears of rent even pending the eviction proceedings. The Appellate Authority has passed an order in the said application directing the tenant to deposit the arrears of rent within the stipulated time, failing which, consequential order of eviction under Section 11(1) & (4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 would follow. The petitioner did not comply with the said conditional order and therefore the Appellate Authority allowed the said application and consequently, dismissed the appeal, confirming the order of eviction passed by the Rent Controller.



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2.The tenant therefore has filed the revision on the ground that there is no wilful default or landlord-tenant relationship between the parties and therefore, the order passed by the appellate authority was illegal and perverse.

3.The learned counsel appearing for the petitioner would submit that the petitioner was the original owner of the property and under the impression that he has executed a mortgage deed, he executed the sale deed in favour of the respondent/petitioner. This contention of the tenant is not justifiable. This Court does not find any valid reason for interfering with the impugned order of the Appellate Authority. However, considering the fact that the tenant is now willing to pay the entire arrears as on date, he may be shown some indulgence and no serious prejudice would be caused to the respondent/landlord also if the appeal directed to be disposed of in a time bound manner, especially since he is getting the entire arrears, without being driven to file a civil suit.

4.This Civil Revision Petition is allowed with the following directions:-



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“The revision petitioner shall pay the entire arrears of rent Rs.6,33,000/- in two instalments, namely, Rs.3,00,000/- shall be paid within 30 days from the date of receipt of a copy of this order. Balance Rs.3,33,000/- shall be paid within a further period of 30 days thereafter. In the event of the petitioner failing to pay any one of the instalments, the impugned order in I.A.No.26 of 2017 as well as the judgment in R.C.A.No.7 of 2017 shall stand confirmed. The petitioner/tenant shall lose his right to argue the appeal on merits. In the event, both the conditions are complied with, the Appellate Authority shall dispose of the R.C.A.No.7 of 2017 within three months from the date of compliance being reported by the petitioner/tenant.”

5. With these observations and directions, these Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is also closed.



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6. It is made clear that since the order itself is under Section 11(4) of the Act, the petitioner shall not seek any further time of extension for payment of arrears.

31.10.2023

Index: Yes/No
Internet: Yes/No
NCC: Yes/No
AM

To

1.The District Munsif Court,
Tiruchendur.

2.The Sub-Court,
Tiruchendur.



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P.B.BALAJI,J.

am

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