



C.R.P.(MD)No.3121 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3121 of 2023
and
C.M.P.(MD)No.16075 of 2023

Chandrasekar : Petitioner/Petitioner/Appellant

Vs.

P.T.Sambantham : Respondent/Respondent/Respondent

Prayer : This Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 08.11.2023 made in I.A.No.4 of 2023 in R.C.A.No.18 of 2022 on the file of the Principal Subordinate Judge, Trichy.

For Petitioner : Mr.P.Arunjayatram

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.4 of 2023 in R.C.A.No.18 of 2022, dated 08.11.2023 on the file of the Principal Subordinate Judge, Trichy, dismissing the petition filed under



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Section 45 and 73 A of the Indian Evidence Act, to compare the signatures found in Muchalika, dated 12.05.2010 and the sale deed dated 10.07.2009.

2. It is evident from the records that the respondent has laid an eviction petition against the revision petitioner under Section 10(2)(i), 10(3)(a)(i) and 10(2) (iv) of Tamil Nadu Buildings Lease and Rent Control Act and the learned Rent Controller, after trial, has passed an eviction order, dated 07.04.2022; that the tenant has preferred an appeal in R.C.A.No.18 of 2022 and the same is pending. Pending appeal, the above petition came to be filed.

3. The main contention of the revision petitioner is that the earlier landlord without informing him, has sold the leasehold property to the respondent vide sale deed, dated 10.07.2009 and also executed a Muchalika in favour of the respondent and that the respondent has then initiated the Rent Control Proceedings alleging will full default of payment of rent.



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4. The learned counsel for the revision petitioner would submit that the Muchalika itself is forged and fabricated one and the signatures found therein are not the signatures of the earlier landlord and that in order to prove the same, the above application came to be filed.

5. The learned appellate Judge, by observing that there is absolutely no need to send the documents for comparison and if necessary, the Court itself can compare the same, dismissed the petition.

6. It is not the case of the revision petitioner that they are disputing the title of the respondent herein, who is the present landlord. The Rent Controller, after considering the records available, has given a specific finding that the revision petitioner has committed default and the same would amount to willful. Since the appeal has already been preferred, it is for the appellate Court to decide as to whether the finding of the Tribunal with regard to the willful default and own use and occupation are in accordance with law or not ? .



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7. Considering the entire facts and circumstances of the case, the order of the Rent Control Appellate Authority in dismissing the present petition cannot be found fault with. Hence, this Court concludes that Civil Revision Petition is devoid of merits and the same is liable to be dismissed.

8. In the result, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

29.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

- 1.The Principal Subordinate Judge,
Trichy.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

DAS

Order made in
C.R.P.(MD)No.3121 of 2023
and
C.M.P.(MD)No.16075 of 2023

Dated : 29.11.2023