



C.R.P.[NPD].No.3015 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 06.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.[NPD].No.3015 of 2024

&

CMP.No.16214 of 2024

Nadarajan [died]

1. Rajalakshmi

2. Rajesh

3. Rajeswari

. . . Petitioners

Versus

Sri Vasavi Kanniga Parameswari Devasthanam,

Rep. by its President, Mr.Rajendran

Kamatchiamman Koil Street, Pondicherry.

. . . Respondent

PRAYER : Petition filed under Article 227 of Constitution of India to set aside the decree and judgment dated 18.04.2024 in R.C.A.No.12 of 2019 against H.R.C.O.P.No.54 of 2024 on the file of the III Additional District Judge, Pondicherry confirming the judgment and decree dated 17.04.2018 in H.R.C.O.P.No.54 of 2004 on the file of the Rent Controller I, at Puducherry.



WEB COPY



C.R.P.[NPD].No.3015 of 2024

For petitioners : Mr.T.Mathi

For respondent : Mr.Anirudh Krishnan

ORDER

Challenge has been made against the decree and judgment of the appellate authority dated 18.04.2024 in R.C.A.No.12 of 2019 against H.R.C.O.P.No.54 of 2024 on the file of the III Additional District Judge, Pondicherry confirming Order of eviction by the Rent Controller dated 17.04.2018 in H.R.C.O.P.No.54 of 2004 on the file of the Rent Controller I, at Puducherry.

2. The petitioner was a tenant under the respondent as per the agreement dated 01.01.1999. The rent agreed to be paid was Rs.750/- per month and the same shall be paid on before fifth of every month. Thereafter, the rent has been enhanced to Rs.1250/-. As the petitioner has not paid the rent from June 2002 till March 2004, eviction is sought before the Rent Controller on the ground of willful default.



3. It is the stand of the petitioners that they had paid an advance of Rs.25,000/-. The petitioners have also disputed enhancement of rent to Rs.1250/-.

It is their contention that since the advance amount is already with the respondent, there cannot be any willful default. The Rent Controller as well as the appellate authority have come to the conclusion that the rent of Rs.1250/- per month has not been paid regularly from the year 2004 and hence, Ordered eviction of the petitioner. Challenging the same, the present revision petition has been filed.

4. It is the contention of the learned counsel for the petitioners that the second petitioner is a widow and at any event, the respondent is leasing out the property to the third party and the petitioners are also willing to pay the rent and they may be continued to be a tenant. It is the contention of the petitioners that during the pendency of the present Civil Revision, rents have paid as per the direction of this Court. Therefore, non payment of rent for certain period will not amount to willful default.

5. I have perused entire materials. Admittedly, as per the direction of this Court, the petitioners have paid a sum of Rs.1,50,000/- within a day. The same



C.R.P.[NPD].No.3015 of 2024

clearly indicate that the petitioner has capacity to mobilize funds. The fact remains that the petitioner has not paid monthly rent of Rs.1250/- regularly from the year 2004. When the tenant has not paid rents regularly for several months, it cannot be said that such default will not amount to willful default. When the rent has been withheld or not paid for many years, merely some rent has been paid as per the direction of the Court, it cannot be said that there is no willful default on the part of the petitioner. Hence, I do not find any merits in the Order of the appellate authority confirming Order of eviction by the Rent Controller.

6. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. The petitioner is directed to vacate the premises within two month from today. No costs.

06.11.2024

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc



WEB COPY



C.R.P.[NPD].No.3015 of 2024

N. SATHISH KUMAR, J.

VTC

C.R.P.[NPD].No.3015 of 2024

06.11.2024