



WEB COPY



C.R.P.(NPD).No.2941 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(NPD).No.2941 of 2022

D.Kumar

... Petitioner

-Versus-

Chandrakantha

... Respondent

Civil Revision Petition under Section 115 of the Code of Civil Procedure against the order and decree in M.P.No.93 of 2019 in RCOP.NO.719 of 2013 dated 28.06.2022 on the file of the XV Judge, Court of Small Causes at Chennai.

For Petitioner : Mr.R.Thangamani

ORDER

This revision is one of its kind.

2. The tenant filed an application to deposit the rents in RCOP.No.719 of 2013. Pending the litigation, he seems to have been depositing a sum of Rs.1,500/- per month, being the rental amount, from February 2013 onwards.



C.R.P.(NPD).No.2941 of 2022

He continued to deposit the rents till March 2018. In all, he had deposited Rs.91,500/-.

3. It is the claim of the tenant that subsequently, the landlord sold the property in favour of a third party and the landlord had no objection to the tenant withdrawing the amount deposited by him in court. Emboldened by such an oral statement made by the landlord, an application was filed by the tenant withdrawing the amount deposited by him in court. The XV Court of Small Causes dismissed the petition on 28.06.2022, against which the present revision.

4. Heard Mr.R.Thangamani for the petitioner.

5. I am surprised that the tenant who has deposited the rents into the court has the audacity to file an application for withdrawal of the amount so deposited by him on the ground that the landlord has sold the property to a third party. The amount deposited under Section 8(5) of the Act does not belong to the tenant, but belongs to the landlord. The amounts so deposited are held by the court in trust for the landlord as the landlord can call upon the



C.R.P.(NPD).No.2941 of 2022

court at any time for withdrawal of the said amount.

WEB COPY

6. If the tenant is permitted to withdraw the amount he had deposited on the ground that the landlord has sold the property, it will create a situation as if the tenant was living free of cost in the demised premises from February 2013 to March 2018. The petition seeking withdrawal of the amount is obviously not maintainable at the instance of the tenant and it is only a landlord who has the right to move such an application.

7. I do not find any error in the order passed by the XV Court of Small Causes in dismissing the petition. Accordingly, the civil revision petition is dismissed. No costs. It is open to the landlord to file an appropriate application for withdrawal of the same.

15.04.2024

nl

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order

To



C.R.P.(NPD).No.2941 of 2022

The XV Judge, Court of Small Causes at Chennai.

WEB COPY



WEB COPY



C.R.P.(NPD).No.2941 of 2022

V.LAKSHMINARAYANAN, J.

nl

C.R.P.(NPD).No.2941 of 2022

15.04.2024