



2. For the sake of convenience, petitioner and respondent will be referred to as tenant and landlord, respectively.

3. The brief facts which are necessary for the disposal of this Civil Revision Petition are as follows:-

The respondent/landlord has filed an application under Section 21 (2) (a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, for eviction of tenant. The petitioner was originally inducted as a tenant in the premises of the landlord on a monthly rent of Rs.6,000/-. In the year 2012, tenancy agreement was executed for a period of 11 months. After expiry of the agreement, no fresh agreement was entered into between the parties, however, tenant is paying the rent regularly. After coming into force of the new Act, landlord has sent a legal notice, dated 25/4/2022, calling upon the tenant to execute the rental agreement under the new Act, but the same was refused to be received by the tenant. Hence, an application has been filed for eviction under Section 21 (2) (a) of the Act.



4. It is the case of the tenant before the Rent Controller that Notice dated 25/4/2022 could not be received by him, since he was out of station.

When the tenant was prepared to execute the new rental agreement, landlord has not come forward to execute the same. Hence, the learned Rent Controller came to the conclusion that since landlord and tenant had failed to enter into an agreement, as per Section 21 (2) (a) of the Act, land lord is entitled for repossession of the petition premises. Against the said order, tenant has not filed any appeal. The landlord has filed the execution petition in E.P.No.122 of 2024, and by order dated 11/11/2024, the learned XII Court of Small Causes, Chennai, has ordered for delivery. Being aggrieved, the tenant has filed the present Civil Revision Petition is filed.

5. Heard Mr.G.R.M.Palaniappan, learned counsel for the petitioner and Mr.R.Ravichandran, learned counsel for the respondent.

6. The learned counsel appearing for the petitioner/tenant submitted that tenant was ready to execute the agreement. There was no fault on the part of the tenant. This aspect has not been decided by the learned Rent Court. Therefore, the delivery ordered is not valid.



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7. At the outset, this Court is of the view that when the tenant failed to challenge the eviction by way of an appeal, he cannot challenge the delivery order challenging Rent Control proceeding. In ***S.MURUGANANDAM Vs. J. JOSEPH reported in 2022 SCC Online Madras – 375***, it is held that even the mistakes lies on the part of the landlord in not entering into an agreement, still in the absence of agreement, repossession can be ordered under Section 21 (2) (a) of the Act.

8. The crux to be seen by the rent Court is existence of agreement after the commencement of the new Act. If the agreement has not been entered by the parties, as amended in the new Act, Rent Court cannot go other than the mandate of the Act, but to order repossession under Section 21 (2) (a) of the Act. In such a view of the matter, this Court is of the opinion that there are no merits in this revision and the same deserves dismissal.

9. In the result, this Civil Revision Petition is dismissed.



10. At this stage, the learned counsel appearing for the petitioner seeks four months time to make an alternative arrangement and assures to pay the entire arrears including rent till he vacate the premises. He has also filed an Affidavit of Understanding to that effect, wherein it is stated that he will vacate the petition premises situate at Door No.J-86 MMDA Colony Main Road, MMDA Colony, Chennai 600 106 on or before 14/2/2025 and will pay the rents regularly until he vacate the premises and arrears if any, will be paid.

11. Affidavit of Undertaking, filed by the petitioner is recorded and the same shall form part of the records. In any event, the petitioner has not vacated the premises on or before 14/2/2025, proceedings will be issued for initiation of contempt of Court.

No costs. Consequently, the connected Miscellaneous Petition is closed.

15/11/2024

mvs.

Index : Yes / No

Neutral Citation: Yes/No



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Civil Revision Petition No.4126 of 2024

N.SATHISH KUMAR,J

mvs.

To

1. XIII Judge, Court of Small Causes, Chennai,

C.R.P.No.4126 of 2024

15/11/2024