



C.R.P.(MD)No.1209 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.1209 of 2021

and

C.M.P.(MD)Nos.6948 and 11102 of 2021

Suyambu Raja

... Petitioner

Vs.

Manoharan

... Respondent

PRAYER : Civil Revision Petition is filed under Section 25 of Tamilnadu Buildings (Lease and Rent Control) Act, 1960, as mentioned by Act 1 of 1980, against the order, dated 18.03.2021, passed in R.C.A.No.38 of 2017 on the file of Principal Subordinate Court cum Rent Control Appellate Authority, Madurai, confirming the order, dated 14.07.2017, passed in R.C.O.P.No.130 of 2011 on the file of Principal District Munsif Court cum Principal Rent Controller, Madurai Town.

For Petitioner : Mr.J.Barathan

For Respondent : Mr.P.Subbiah



C.R.P.(MD)No.1209 of 2021

WEB COPY

ORDER

The present civil revision petition is filed by the tenant. The respondent / landlord had filed R.C.O.P.No.130 of 2011, for eviction of tenant under the ground of own occupation as well as willful default. The Court had held there is no willful default and dismissed the landlord's plea under willful default. But the prayer under own occupation was accepted and the tenant was directed to vacate the premises within a period of two months and allowed the R.C.O.P., in favour of the landlord. Aggrieved over the same, the tenant preferred R.C.A.No.38 of 2017 and the same was dismissed. Aggrieved over the same, the tenant has preferred the present Civil Revision Petition.

2. The tenant contended that the landlord has not specifically pleaded about the specific requirement of the building for his own use and occupation for his son to run a computer center but he had stated that in the Lawyer notice. Even though it is stated in the lawyer notice, the landlord ought to contend the same in the petition and the same ought to be proved. When the same is not been proved, the Courts below had erred in granting the same in favour of the landlord.



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3. This Court is not able to accept this contention. The landlord had pleaded that the premises is necessary for own use and occupation for his son to run a computer centre and marked the Ex.P10 which is the license issued by the Commissioner to run the “Maran Browsing Centre”. When the own use and occupation is established, then both the Courts are right in ordering in favour of the landlord. Therefore this Court is of the considered opinion that the tenant had not raised any legally sustainable ground and inclined to dismiss the CRP and accordingly dismissed the CRP.

4. The tenant was directed to file an affidavit stating the time needed for vacating the premises. The tenant has filed an affidavit stating that he would need 6 months to vacate the premises. Therefore, the tenant is directed to vacate the premises on or before 31.03.2025.

5. For the period from October, 2024 to March, 2025, the tenant is directed to pay Rs.3,000/- per month as rent until 31.03.2025. If the tenant did not vacate



C.R.P.(MD)No.1209 of 2021

WEB COPY

the premises even after 31.03.2025, the landlord is at liberty to evict the tenant within a period of one week therefrom.

6. As far as the advance amount is concerned, already the tenant had filed a petition and the same was dismissed. Against the order of dismissal the tenant had preferred an appeal. The parties shall adhere to the outcome of the appeal.

7. With the above said observations, the civil revision petition is dismissed.
No costs. Consequently, connected miscellaneous petitions are closed.

30.09.2024

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

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C.R.P.(MD)No.1209 of 2021

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- To
- 1.Principal Subordinate Court cum
Rent Control Appellate Authority,
Madurai.
 - 2.Principal District Munsif Court cum
Principal Rent Controller,
Madurai Town.
 - 3.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.1209 of 2021

S.SRIMATHY, J.

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C.R.P.(MD)No.1209 of 2021

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