



C.R.P.(PD)(MD)No.1724 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**C.R.P.(PD)(MD)No.1724 of 2023
and
CMP(MD)No.8606 of 2023**

Deepu Cardoza

... Petitioner/Appellant/
Respondent & Tenant

VS.

1.Ananji Pillai
2.Hari Ramakrishnan

... Respondents/ Respondents/
Petitioners/Landlords

Prayer:- Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960], to set aside the orders and decretal orders passed by the learned Rent Control Appellate Authority (Sub-Court), Thoothukudi in R.C.A.No.8 of 2020, dated 21.03.2023 confirming the order and decretal order passed by the learned Rent Controller (Principal District Munsif), Thoothukudi in R.C.O.P.No.13 of 2018 dated 06.01.2020.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.M.P.Senthil



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ORDER

The Civil Revision Petition is filed aggrieved by the order of the learned Rent Control Appellate Authority (Sub-Court), Thoothukudi in R.C.A.No.8 of 2020, dated 21.03.2023, confirming the order passed by the learned Rent Controller (Principal District Munsif), Thoothukudi in R.C.O.P.No.13 of 2018 dated 06.01.2020.

2.On perusal of the records of the case, earlier on 12.03.2024, this Court had recorded the undertaking given on behalf of the petitioner that he will vacate the premises on or before 03.04.2024 and inform the Court. Eventhough the said time has expired, inspite of the undertaking, the petitioner has not vacated. When the parties make an undertaking before this Court and thereafter do not abide by the same, then the case of the parties itself need not be considered and the civil revision petition can be dismissed as such.

3.Be that as it may, the grounds raised in the civil revision petition are that the superstructure is built up by the tenant alone. It is



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further contended that the document marked in Ex.R1 is not considered with proper perspective. On perusal of the records shows that both the Rent Control Appellate Authority and the Rent Controller has considered the evidence on record and has found that the petitioner is a tenant only in respect of the building and not in respect of the land alone. Even the documents in the form of bank receipts are also considered by the trial Court as well as the Appellate Tribunal.

4.In view thereof, I do not find any error whatsoever in the trial Court as well as the First Appellate Court ordering eviction of the tenant. Finding no merits, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.07.2024

NCC : Yes / No
sjj

To

- 1.The Rent Control Appellate Authority (Sub-Court), Thoothukudi.
- 2.The Rent Controller (Principal District Munsif), Thoothukudi.



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D.BHARATHA CHAKRAVARTHY, J.

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