



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.R.P(MD)No.2006 of 2024
and
C.M.P(MD)No.11389 of 2024

Jeyasundar

... Petitioner

Vs.

Manikandan

... Respondent

PRAYER: Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, to call for the records and set aside the Fair and Decretal Order, dated 19.06.2024 in R.C.A.No.3 of 2021 on the file of the Rent Control Appellate Authority, (Sub Court) Thoothukudi, against the Fair and Decretal Order dated 24.11.2020 in R.C.O.P.No.1 of 2017 on the file of the Rent Controller (Principal District Munsif) Thoothukudi and allow this Civil Revision Petition.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.S.Kumar

JUDGEMENT

This Civil Revision Petition is filed by the tenant against the eviction proceedings.



WEB COPY

2. For the sake of convenience, the contesting parties shall be referred to as Petitioner/Tenant and Respondent/Landlord.

3. The respondent/landlord who had filed R.C.O.P.No.1 of 2017 on the file of the Rent Controller (Principal District Munsif) Thoothukudi, to evict the Petitioner/tenant and to hand over the possession of the property to the landlord.

4. The contention of the tenant is that the landlord has refused to repay the advance amount. But the contention of the landlord is that the alleged amount of Rs.1 Lakh is a mortgaged amount and the erstwhile owner and tenant had mortgage agreement, hence the tenant ought to recover the same from the erstwhile owner. Even if it is considered the erstwhile owner and the tenant are having lease agreement, it is between the erstwhile owner and the petitioner/tenant and the present respondent/landlord is not liable to pay the same. Moreover, the tenant has not paid any rent for so many years and the advance amount ought to be adjusted for the arrears of rent. It is seen that the Tribunal had quantified the arrears rent amount and granted a decree for Rs. 4,80,000/-. The advance amount is Rs.1 lakh. Therefore, the petitioner/tenant



cannot demand the advance amount since the same ought to be adjusted to the arrears amount.

5. The revision petitioner had not raised any legally sustainable ground and hence this Court is not inclined to entertain this Civil Revision Petition.

6. Accordingly, this Civil Revision Petition stands dismissed. The Civil Revision Petitioner/tenant is directed to vacate the premises and hand over the key to the landlord on or before **15.10.2024**. No Costs. Consequently, connected miscellaneous petition is closed.

24.09.2024

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

Note : Issue a copy of order on 25.09.2024



WEB COPY

To

1. The Rent Control Appellate Authority,
(Sub Court)
Thoothukudi.
2. The Rent Controller (Principal District Munsif)
Thoothukudi.
3. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.SRIMATHY, J.

KSA

Order made in
C.R.P(MD)No.2006 of 2024

24.09.2024