



C.R.P.(NPD) (MD).No.869 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.869 of 2014

and

M.P(MD) No.1 of 2014

1. Pandimadevi

2. Latha Raj

... Petitioners/ Appellants/Respondents-
Tenants

-vs-

C.Revathy

... Respondent/Respondent/Petitioner-
Landlord

PRAYER: Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act No.18 of 1960 as Amended by Act 23 of 1973 and Act No.1 of 1980, against the order dated 28.02.2014 passed in R.C.A.No.33 of 2010 on the file of the Principal Subordinate Judge (Appellate Authority) Madurai, confirming the order dated 30.03.2010 passed in R.C.O.PNo.56 of 2007, on the file of the Principal District Munsif Court (Rent Controller) Madurai Town.

For Petitioners : Mr.M.Jerin Mathew

For Respondent : Mr.S.Poornachandran



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ORDER

The present Civil Revision Petition has been filed by the tenants challenging the order passed in R.C.A.No.33 of 2010 on the file of the Principal Subordinate Judge (Appellate Authority) Madurai, confirming the order of eviction passed in R.C.O.PNo.56 of 2007, on the file of the Principal District Munsif Court (Rent Controller) Madurai Town.

2. The respondent herein as landlord had filed petition in R.C.O.PNo. 56 of 2007, on the file of the Principal District Munsif Court (Rent Controller) Madurai Town, for eviction of the revision petitioners herein on the ground of wilful default and additional accommodation. The Rent Controller after considering the submissions on either side, allowed the eviction petition on the ground of the additional accommodation and rejecting the ground of wilful default. Challenging the same, the tenants had filed R.C.A. No.33 of 2010 before the Rent Control Appellate Authority, Madurai. The Appellate Authority has also found that the premises in question is required by the landlord for additional accommodation. Challenging the said concurrent findings, the present Civil Revision Petition has been filed by the tenants.



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3. It is brought to the notice of this Court that after the year 2010 the tenants have not chosen to pay the rent either directly to the landlord or deposit the same before the Court. The Rent Controller as well as the Appellate Court had found that the landlord was in the occupation of a portion of the property and the rest of the portion was in the occupation of the tenant. The authorities have also found that the premises in possession of the tenants is *bonafidely* required for the landlord to extend his business. This Court does not find any reason to interfere with the concurrent findings of the Courts below, especially, in the light of the fact that the tenants have not chosen to pay the rent for the past 14 years.

4. The learned counsel appearing for the respondent/landlord has further contended that the pending revision petition, the tenants have vacated and handed over the premises to a third party (sublet) without any consent from the landlord.

5. With the above said observations, this Civil Revision Petition stands dismissed. The revision petitioners are granted time till 31.07.2024 for vacating the property. In case, if the tenants have not vacated, the landlord is



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at liberty to approach the concerned police station for vacating the tenants without resorting to the execution proceedings. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

24.04.2024

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

1. The Principal Subordinate Judge,
(Appellate Authority) Madurai.
2. The Principal District Munsif Court
(Rent Controller),
Madurai Town.



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R.VIJAYAKUMAR,J.

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