



C.R.P. (MD).No.819 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD)No.819 of 2018

and

C.M.P(MD) No.3633 of 2018

G.Veluchamy

... Petitioner/Appellant/
Respondent

-vs-

P.Lakshmi Ammal (died)

1. J.Bakkiathammal @ Backiya Lakshmi

2. B.Santhamani

3. P.Inbarajan (Died)

4. P.Parameswari

... Respondents/Respondents/
Petitioners 1 to 3

5. I. Thangam

6. I.Vignesh Prabhu

... Proposed respondents

(Respondents 5 and 6 are impleaded as
Legal heirs of deceased 3rd respondent
vide order of this Court dated 30.07.2020
made in C.M.P(MD) No.4629 of 2019 in
C.R.P(MD) No.819 of 2018)

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960, against the order and decretal order passed in R.C.A.No.32 of 2008, dated 12.12.2017 on the file of the Rent Control Appellate Authority, (Principal Sub-Court) Madurai confirming the order and decretal order passed in R.C.O.P.No.205 of 1999,



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dated 23.06.2008, on the file of the Rent Control Tribunal (Additional District Munsif Court) Madurai.

For Petitioner : Mr.D.Nallathambi
For Respondents : No appearance

ORDER

The present Civil Revision Petition has been filed by the tenant/respondent in R.C.O.P.No.205 of 1999, on the file of the Rent Control Tribunal (Additional District Munsif Court), Madurai.

2. One P.Lakshmi Ammal, Srimathi Pakkiathammal @ J.Pakkialakshmi and B.Santhamani have jointly filed the above Rent Control Proceedings as against the present revision petitioner seeking his eviction for the non-residential purpose for the owners' occupation of the son of the first petitioner, namely, P.Lakshmi Ammal.

3. Paragraph No.V of the Rent Control application is extracted as follows:

V. The 1st petitioner's son, Inbaraj is running his mixture and Tea stall business in a rented building in door No.122, Kamarajar Salai, Madurai on a monthly



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rent of Rs.750/-. The land lord of the said Inbaraj asked Inbaraj to vacate the rented building occupied by Inbaraj. So the petition mentioned building occupied by the respondent is bonafidely required by the petitioners for the occupation of 1st petitioner's son Inbaraj. The said Inbaraj is not occupying any own building in Madurai Town. The claim of the petitioners is bonafide, Inspite of repeated demands made by the petitioners, the respondent is refusing to vacate the premises described hereunder. Hence this petition is filed for eviction on the ground of own occupation of the 1st petitioner's son for non-residential purpose.

4. The said R.C.O.P was allowed on 23.06.2008, ordering eviction. The tenant had filed R.C.A.No.32 of 2008 before the Rent Control Appellate Authority (Principal Sub-Court) Madurai. The appeal was dismissed on 12.12.2017. Challenging the same, the tenant has filed the above Revision Petition.

5. Pending appeal, the first petitioner, namely, P.Lakshmi Ammal had passed away and her son, P.Inbarajan was impleaded as the fourth respondent in the appeal. In the Revision Petition, the said P.Inbarajan, is impleaded as



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the third respondent. Pending Revision Petition, the said P.Inbarajan had passed away on 16.01.2019 and his legal heirs have been impleaded as respondents 5 and 6 in the Revision Petition. The legal heirs of P.Inbarajan, though they have been served, have not chosen to appear either in person or their counsel.

6. According to the learned counsel appearing for the revision petitioner/tenant, the very purpose of seeking eviction of the revision petitioner from the non-residential property was for the owner's occupation of Mr.P.Inbarajan, and now, he had passed away. Therefore, the purpose of the eviction sought for, is no longer available. Hence, he had prayed for allowing the revision petition and to set aside the order of eviction passed by the Courts below.

7. Though notices have been served upon the landlords and their legal representatives, they have not chosen to appear either in person or through their counsel.

8. As it could be seen from paragraph No. V of the eviction petition, the



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premises was specifically sought for the owner's occupation of Mr.P.Inbarajan and he is no more. Therefore, the order of eviction passed by the Courts below can no longer survive to be adjudicated in the Revision Petition. The premises is no longer required for the said P.Inbarajan. The legal heirs of P.Inbarajan have not chosen to appear before this Court to renew the claim for eviction over the property.

9. In such circumstances, this Court is of the considered opinion that the order of eviction passed by the Courts below on the ground of owner's occupation of Mr.P.Inbarajan, is liable be set aside. This Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

19.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The Rent Control Appellate Authority,
(Principal Sub-Court), Madurai.

2. The Rent Control Tribunal,



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Additional District Munsif Court,
Madurai.

R.VIJAYAKUMAR,J.

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