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C.R.P.(MD)No.2308 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.2308 of 2024 and
C.M.P.(MD)No.13059 of 2024

C.Dhinakaran

... Revision Petitioner/ Respondent /
Respondent

Vs.

P.Venkatachalam

... Respondent/ Appellant /
Petitioner

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 25.06.2024 in R.L.T.A.No.4 of 2023 on the file of the Principal District Judge, Sivagangai in R.L.T.O.P.No.20 of 2022 dated 23.08.2023 on the file of the District Munsif cum Rent Controller, Karaikudi.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondent : Mr.R.Sundar Srinivasan

**ORDER**

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Heard the learned counsel on either side.

2. The tenant is the revision petitioner. The respondent herein filed R.L.T.O.P.No.20 of 2022 on the file of the Rent Controller, Karaikudi for eviction. The landlord projected three grounds, namely a) want of registration of tenancy agreement, b) bonafide requirement for owner's occupation and c) willful default in payment of rent. The Rent Controller vide order dated 23.08.2023 dismissed the eviction petition. Questioning the same, the landlord filed R.L.T.A.No.4 of 2023 before the Principal District Judge, Sivagangai. The appeal was allowed vide order dated 25.06.2024. Challenging the same, this civil revision petition came to be filed.

3. The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of revision. He pointed out that in the eviction petition, the landlord has nowhere made any averment that there was no registration of the tenancy agreement and that therefore, for want of pleadings, the eviction petition



was rightly dismissed by the Rent Controller and the appellate authority erroneously reversed the decision. This contention does not impress me.

As rightly observed by the appellate authority, the proceedings are to be summarily conducted. This Court in the decision reported in **2006 (6) LW 892 (H.Vasanth Kumar V. S.Subash)** categorically held that the pleadings in Rent Control matters cannot be construed with strictness. In view of the same, there need not be any strict insistence on pleadings. The learned counsel for the revision petitioner does not dispute that till date the tenancy agreement has not been registered. Therefore, factually the appellate authority is right. That apart, the revision petitioner has not paid a single pie towards rent, since the eviction petition was filed. Thus, the ground of willful default is also made out.

4. Looked at from any angle, the impugned order deserves to be sustained. This civil revision petition stands dismissed. The petitioner is given four months time to vacate. No costs. Consequently, connected miscellaneous petition is closed.

01.10.2024

Index : yes/No
Internet: Yes/No
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4

C.R.P.(MD)No.2308 of 2024

G.R.SWAMINATHAN,J.

PMU

To

1. The Principal District Judge,
Sivagangai.
2. The District Munsif cum Rent Controller,
Karaikudi.

C.R.P.(MD).No.2308 of 2024

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