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C.R.P.(NPD)No.159 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2025

Coram

The Hon'ble Mr.Justice N.Sathish Kumar

C.R.P.(NPD)No.159 of 2025

and

C.M.P.No. 1173 of 2025

C.P.Saravanan

..Revision Petitioner

Vs.

R.Saravana Kumaran

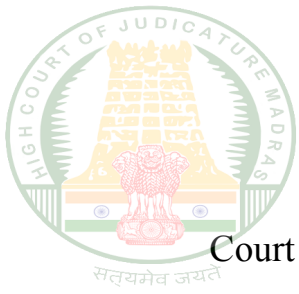
..Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act , against the fair and decreetal order in R.C.A.No.194 of 2021 dated 21.11.2024, passed by the learned IX Court of Small Causes Chennai in confirming the order passed in M.P.No.37 of 2019, in R.C.O.P.No.675 of 2018, dated 09.11.2021 passed by the learned XVI Court of Small Causes, Chennai

For Revision Petitioner : Mr.P.Chandrasekar

ORDER

The Civil Revision Petition is filed against the order passed by the learned IX Judge, Court of Small Causes Chennai in R.C.A.No.194 of 2021 dated 21.11.2024, whereby, the order passed by the learned XVI Judge,



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Court of Small Causes, Chennai in M.P.No.37 of 2019, in R.C.O.P.No.675

of 2018, dated 09.11.2021 has been confirmed.

2. Brief facts of the case is as follows:-

i) Originally, the Rent Control Proceedings have been initiated by the respondent/landlord seeking for eviction of the revision petitioner/tenant on the ground that the property owned by the respondent's grandmother, viz., R.Ellammal was given to the revision petitioner for rent; that since the revision petitioner was irregular in payment of rent, the respondent/landlord filed a Petition seeking for eviction.

ii) Pending disposal of the RCOP, the respondent/landlord has taken out a Miscellaneous Petition in 37 of 2019, seeking for a direction, directing the revision petitioner/tenant to pay the arrears of rent from the month of June, 2011 to November, 2018, which would come around to a sum of Rs..3,15,000/- at a monthly rent of Rs.3,500/- and also to pay the future rents.



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iii) In the said Miscellaneous Petition, the contention of the

revision petitioner/tenant was that when the respondent's grandmother was alive, he has paid the rent from 2011 till 2015 and did not commit any default in payment of rent, however, he is ready to deposit the rent at the rate of Rs.2,000/- per month.

iv) However, both the Courts below did not agree to the contention of the revision petitioner on the ground that the statement made by the revision petitioner that he has paid rent from 2011 is improbable, since a dispute has already arisen between the parties

v) Challenging the impugned order passed by the learned Rent Control Appellate Authority, in confirming the order of the learned Rent Controller, directing the revision petitioner to deposit a sum of Rs.3,12,500/- as rental arrears at Rs.2,500/- p.m. for the period from June, 2011 to October, 2021 the present Revision Petition is filed.

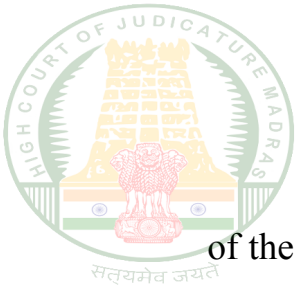


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3. The learned counsel for the revision petitioner would submit

that as the Courts below have concurrently held that the petitioner is liable to pay the arrears of rent from 2011 onwards, the petitioner may be permitted to withdraw the amount that was deposited by the revision petitioner to the credit of the Appeal, and pay the said amount of Rs.3,12,500/- to the respondent and further, the revision petitioner would also continue to pay the minimum rent regularly, on such deposit, the Trial Court may permit the revision petitioner to contest the matter.

4. Though the Revision Petition is filed by the revision petitioner/tenant seeking for a larger relief, i.e. challenging the concurrent findings of the Courts below, whereby, the revision petitioner has been directed to deposit a sum of Rs.3,12,500/- as rental arrears at Rs.2,500/- p.m. for the period from June 2011 to October 2021, considering the fact that the revision petitioner has now restricted his relief and only seeks the permission of this Court to allow him to make such minimum deposit of rent and also assured that he would continue to pay the monthly rent without any default till the matter is decided on merits, this Court is inclined to dispose



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of the present Revision Petition with the following direction:-

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i) The petitioner is directed to make such minimum deposit of rent for a sum of Rs.3,12,500/- within a period of two weeks from the date of receipt of a copy of this order and he shall also continue to pay the monthly rent without any default, and the learned Rent Controller, on the revision petitioner making such minimum deposit of rent, shall permit him to contest the matter on merits. The learned Rent Controller shall dispose of the main matter within three months thereafter.

5. With the above observations and directions, the Revision Petition is disposed of Consequently, connected Miscellaneous Petition is closed. No costs.

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Index: yes/no

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To

- i) The IX Court of Small Causes, Chennai
- ii) XVI Court of Small Causes, Chennai



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N.Sathish Kumar,J.,

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