



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRP No. 4039 of 2023 and
CMP No.24699 of 2023**

Aejaz Ahamed (Proprietor)
Dada Hayath Cycle Company,
S/o.Late Mohammed Basheer Ahmed,
285, Triplicane High Road, Chennai 5.

Petitioner(s)

Vs

Dhanalakshmi Ammal

Respondent(s)

PRAYER

This Civil Revision Petition has been filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control Act), 1960 to set aside the order and decretal order dated 02.03.2018 made in MP.NO. 1 of 2016 in RCOP.No. 553 of 2015 on the file of XIII Judge, Court of Small Causes, Chennai and as confirmed by order and decretal order dated 21.06.2023 and made in R.C.A.No. 871 of 2018 on the file of Learned Rent Control Appellate Authority, IX Judge, Court of Small Causes, Chennai.



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For Petitioner(s): Mr.Hemanth Kumar for
Mr.N. Ishtiaq Ahmed

For Respondent(s): Mr.D.Govinda Reddy

ORDER

The Civil Revision Petition is filed challenging the order of the Rent Control Appellate Authority confirming the fair and decretal order dated 02.03.2018, passed in M.P.No.1 of 2016 in R.C.O.P.No.553 of 2015, by the learned XIII Judge, Court of Small Causes, Chennai.

2. Despite notice being served on the respondent and name being printed in the cause list, none appeared on behalf of the respondent.

3. Originally, the respondent/landlady filed R.C.O.P.No.553 of 2015 under Sections 10 (2) (iii) and 14 of the Tamil Nadu Building (Lease and Rent Control) Act. In the said R.C.O.P., she filed a petition in M.P.No.1 of 2016 under Section 11 (4) of the Act seeking to direct the revision petitioner/tenant to pay the arrears of rent Rs.1,90,000/- for the period from 01.05.2014 to



01.12.2015. She also prayed that in default of such payment, the further proceedings in the RCOP has to be stopped and eviction has to be ordered.

4. The Rent Controller, by an order dated 02.03.2018, directed the revision petitioner /tenant to pay the said sum of Rs.1,90,000/- on or before 27.03.2018, failing which, RCOP proceedings would be stopped and eviction would be ordered, and the matter was listed on 28.03.2018. As the revision petitioner/tenant did not pay the said sum within the stipulated time, the Rent Controller, by an order dated 28.03.2018 stopped further proceedings in RCOP No.553 of 2015 and ordered eviction.

5. To set aside the order made in M.P.No.1 of 2016 in RCOP No.553 of 2015, the revision petitioner/tenant has filed an appeal before the Rent Control Appellate Authority in R.C.A.871 of 2018, along with an interim application in M.P.No.604 of 2018 to stay the proceedings in RCOP No.553 of 2015. In the said M.P.No.604 of 2018, while granting stay, the Appellate Authority recorded as follows: -



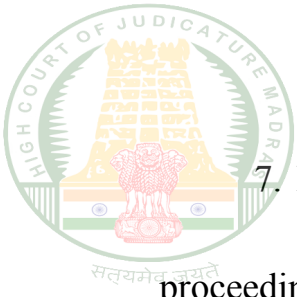
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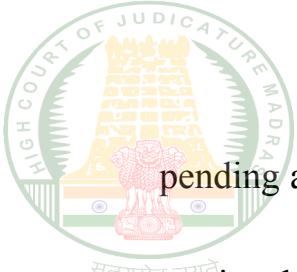
“Eventhough the respondent herein has filed the counter affidavit strongly objecting to this M.P.No.6-04 of 2018, during the arguments, the learned advocate appearing for the respondent herein/landlord made an endorsement that Rs.1,90,000/- only deposited, still Rs.3,80,000/- are arrears amount till now, that after depositing the entire arrears granting of stay can be considered. Now the petitioner herein has filed a memo on 08.02.2019 along with challan dated 07.02.2019 for the proof of deposit of Rs.3,80,000.”

6.Recording the said deposits, the Appellate Authority granted stay on 14.02.2019. Having noted the deposit, while disposing the main appeal, the Appellate Authority, despite holding that the rent of Rs.10,000/- per month for the default period admittedly till date has been paid, dismissed the R.C.A., on the ground that as per the conditional order passed in the application filed under Section 11(3), the amount has not been paid, and thereby the eviction was ordered on 28.03.2018, against which no appeal has been preferred by the tenant. Therefore, the Appellate Authority dismissed the appeal and thereby confirmed the order of the Rent Court.



7. It is relevant to note that the Appellate Authority granted stay of the proceedings of the Rent Court, taking note of the fact that apart from the deposit of Rs.1,90,000/- as ordered by the trial Court, the revision petitioner has also deposited a further sum of Rs.3,80,000/- on 07.02.2019, which has been clearly captured in the order in M.P.No.604 of 2018. Therefore, while disposing of the main appeal, the Appellate Authority ignored the very order passed by the same Court, wherein the deposit has been clearly recorded. The very order of the Appellate Authority ordering eviction, as though the conditional order has not been complied with, is liable to be set aside, as the order had in fact been complied with.

8. In view of the above, Civil Revision Petition is allowed and the fair and decreetal order passed by the learned IX Judge, Small Causes Court, Chennai in RCA No.871 of 2018 is set aside and the matter is remitted to the Rent Controller to decide the original RCOP. No. No.553 of 2015, on merits and in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order. It is also made clear that having kept the petition



pending all these years, the rent control proceedings shall be decided on its own

merits based on the pleadings already filed. No costs. Connected

miscellaneous petition is also closed.

16-07-2025

mrp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The IX Court of Small Causes, Chennai.
2. The XIII Court of Small Causes, Chennai



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