



WEB COPY



CRP.No.5145 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.5145 of 2024
and CMP.No.28844 of 2024

M.Divya

... Petitioner

Versus

A.V.R.Praveen

... Respondent

Prayer: Petition filed under Section 25 of the Tamilnadu Building Lease and Rent Control Act, 1960 to set aside the judgment and decree passed in RCA.No.29 of 2023 by the Subordinate Court, Ambattur on 11.11.2024 confirming the fair and decretal order passed in M.P.No.82 of 2018 in RCOP.No.42 of 2017 by the District Munsif Court, Ambattur on 08.10.2018.

For petitioners : Mr.V.Raghavachari, Senior Counsel
for Mr.N.Elayaraja
For respondent : Mr.C.Shankar

ORDER

Challenge has been made to the order of the appellate Court confirming the orders of the rent controller, wherein, a direction was given to the tenant to deposit a sum of Rs.12 lakhs as arrears of rents within a period of 90 days.



2. Originally, the respondent has filed an eviction petition on the ground of wilful default. It is the case of the landlord that he purchased the property in the year 2016. After purchase of the property, the tenant entered into an agreement for letting the premises towards rent of 1 lakh per month. As the rent has not been paid regularly, an application has been filed under 10(2)(i) Tamilnadu Building Lease and Rent Control Act, 1960. Pending the above application, MP.No.82 of 2018 filed under Section 11(4) of the Tamilnadu Buildings Lease and Rent Control Act, 1960, wherein, the Trial Court directed the tenant to deposit a sum of Rs.12 lakhs. The appellate authority also confirmed that order. Challenging the same, the present revision has been filed.

3. The learned senior counsel for the revision petitioner submitted that the property originally owned by the revision petitioner's father and revision petitioner, when they are in dire need of fund, they used to mortgage the property and avail loan. Only in the loan transaction, the property has been knocked out. In the counter, the very relationship of the landlord and tenant has been disputed, the actual true facts has not been reflected since the counter has been filed by one of the counsel who appeared for the landlord. To prove these facts before the Court,



he may be given a chance to contest the matter. According to him, he already deposited a sum of Rs.20 lakhs, pursuant to the direction of the Sub Court, Ambattur while filing the appeal. Therefore, to show his bonafide-ness, he is also prepared to deposit another Rs.25 lakhs and seeks to contest the matter on merits.

4. Whereas, the learned counsel for the respondent submitted that relationship has not been disputed in the counter and also application has been filed for stay. Therefore, at this stage, the tenant cannot deny the title and relationship of the tenant. As the amount has not been paid regularly till date, he cannot be entitled to contest the proceedings.

5. Heard both sides and perused the materials placed on record. The fact that the property originally owned by the revision petitioner and his father has not been disputed. Till today, they are in possession which is also not disputed. It is the contention of the landlord that even after the sale of the property, the revision petitioner entered into an agreement to pay monthly rent of 1 lakhs, since the building is commercial in nature and also paid a sum of Rs.10 lakhs advance by cheque. However, the cheque has not been encashed. Be that as it may, the very



CRP.No.5145 of 2024

nature of the allegations raised in the revision and the fact that the property is originally owned by the tenant and they are continuing the possession and the manner in which the allegations raised against the lawyer who had filed a counter on her behalf before the rent controller that he has appeared for the landlord in other proceedings, this Court is of the view that one more chance may be given to the tenant to substantiate all the allegations before the rent controller subject to the deposit a sum of Rs.25 lakhs to the credit of RCOP on the file of District Munsif Court, Ambattur. With regard to the pleadings made in the counter and other aspects can be established in the proceedings and witnesses can be confronted with their statement made in the form of affidavit as well as other proceedings.

6. Accordingly, the impugned order stands set aside. The petitioner is directed to deposit a sum of Rs.25 lakhs to the credit of RCOP on the file of District Munsif Court, Ambattur within a period of one month from the date of receipt of a copy of this Order. On such deposit, the rent controller shall give sufficient opportunities to the parties to make any additional pleas, if any and dispose of the main RCOP within a period of four months thereafter.



CRP.No.5145 of 2024

WEB COPY

7. Accordingly, this revision petition stands allowed. No costs.

Consequently, connected miscellaneous petition stands closed.

08.01.2025

Index : Yes / No
Speaking/non speaking order
dhk

To,

1. The Sub Judge
Subordinate Court, Ambattur

2. The District Munsif
District Court Court, Ambattur



WEB COPY



CRP.No.5145 of 2024

N. SATHISH KUMAR, J.

dhk

CRP.No.5145 of 2024

08.01.2025