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C.R.P.No.251 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10..06..2025

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.No.251 of 2025
and
C.M.P.No.1601 of 2025

R.Karthiban

..... Petitioner

-Versus-

V.Sundaramurthy

..... Respondent

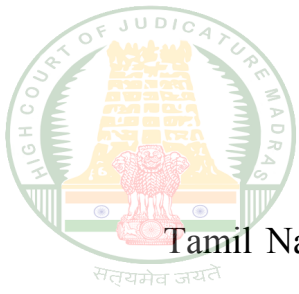
Petition filed Article 227 of the Constitution of India, praying set aside the order dated 11.11.2024 passed by the learned Principal Subordinate Judge, Villupuram, in I.A.No.68 of 2024 in R.C.A.No.1 of 2023.

For Petitioner : *Mr.N.Jayakumar*

For Respondent : *Mr.N.Suresh*

ORDER

This civil revision is directed by the Appellant (tenant) in R.C.A.No.1 of 2023 of 2023 on the file of the learned Principal Subordinate Judge, Villupuram, against the order dated 11.11.2024 allowing the interlocutory application in I.A.No.68 of 2024 filed by the landlord under Section 11 of the



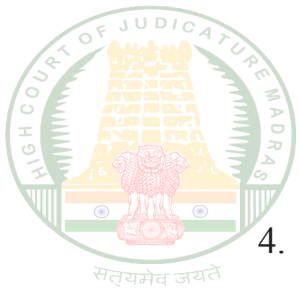
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Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, seeking to direct

the respondent (tenant) to deposit a sum of Rs.4,32,500/- towards arrears of rent @ Rs.2,500/- per month from 14.01.2010 to 14.06.2024 and also subsequent rents accrued into the court forthwith.

2. The respondent herein is the landlord and the revision petitioner is the tenant. According to the respondent/landlord, the civil revision petitioner sublet the subject premises to one Kaliyaperumal. The said Kaliyaperumal was the 2nd respondent in the original petition filed by the landlord for eviction.

3. The respondent herein filed an original petition under Section 10(2)(i)(ia)(vii) of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, for eviction and possession of the petition mentioned building premises on the ground that the revision petitioner was inducted as a tenant on a monthly rent of Rs.2,500/- in 2005 for five years as per the agreement dated 25.05.2005 with effect from 14.01.2005. The civil revision petitioner was irregular in the payment of rent and had committed default in payment of rent. After the expiry of the lease period, when the respondent requested the revision petitioner to vacate and hand over the premises, he was given to understand that the civil revision petitioner had subleased a portion of the subject premises.



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4. It is the case of the civil revision petitioner that it was he who arranged for a loan to the respondent/landlord through a private financier. He has also helped the landlord to clear off the loan. That apart, the building on the first floor was constructed by him (civil revision petitioner), and, therefore, he was permitted by the landlord to reside in the portion on the first floor. Thus, he (the civil revision petitioner) disputed the jural relationship of landlord and tenant between the respondent and himself.

5. The learned rent controller by order 22.12.2023 allowed the original petition in R.C.O.P.No.10 of 2023 and thereby ordered for eviction. Aggrieved by the order of eviction, the civil revision petitioner/tenant filed an appeal in R.C.A. No. 1 of 2023 on the file of the learned Principal Subordinate Judge, Villupuram. Pending Rent Control Appeal proceedings, the landlord took out an application under Section 11 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, praying for a direction to the civil revision petitioner/tenant to deposit the rent arrears. The learned rent control appellate authority, having taken note of the fact rents have not been deposited, allowed that application by order dated 11.11.2024. The rent control appellate authority by its order held that since the tenant himself is not entitled for any relief, the legal heir of



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Kaliyaperumal proposed to be added is not a necessary party to decide upon this petition.

6. It has been brought to the notice that the learned rent control appellate authority on 11.11.2024 consequent upon the order passed on the application filed under Section 11 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, dismissed the rent control appeal.

7. Heard the learned counsel for the revision petitioner and the learned counsel for the respondent.

8. The learned counsel for the civil revision petitioner would submit that the revision petitioner has a document to show that there was no landlord and tenant relationship between the respondent and himself. The relationship between the parties is very close, and the respondent is none other than the brother-in-law of the civil revision petitioner.

9. The learned counsel would however submit that the revision petitioner does not want to get the revision adjudicated on merits and he is ready and willing to deposit a sum of Rs. 4,32,500/- towards arrears of rent from 14.01.2010 to 14.06.2024 and the arrears of rent for the subsequent months as directed by the rent control appellate authority in three instalments to the credit of the Rent Control Appeal and also continue to pay the monthly rent regularly



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to the respondent/landlord without prejudice to his rights to agitate his contentions as to the jural relationship between the respondent and himself in the pending appeal. Therefore, according to the learned counsel for the civil revision petitioner, it would suffice if an opportunity is given to the revision petitioner to contest the rent control appeal and get the appeal decided on merits.

10. The learned counsel for the respondent/landlord would submit that if the arrears of rent are deposited into the court, the respondent/landlord may be permitted to withdraw the same.

10. Since the civil revision petitioner/tenant is willing to deposit the arrears of rent and continue to pay future rents regularly, and he prays that he may be given an opportunity to contest the rent control appeal on merits and have the rent control appeal decided on merits, this court is inclined to accede to the request of the learned counsel for the revision petitioner. Further, this court, in exercise of its power of superintendence under Article 227 of the Constitution of India, is inclined to set aside the judgement and decree dated 11.11.2024 made in R.C.A. No. 1 of 2023 by the learned Rent Control Appellate Authority, Villupuram.



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11. Acceding to the request made by the learned counsel for the revision

petitioner, this court is inclined to dispose of the revision petition in the following terms:

(i) the civil revision petitioner/tenant is directed to deposit the arrears of rent of Rs.4,32,500/- for the period from 14.01.2010 to 14.06.2024 and the subsequent arrears of rent before the appellate authority to the credit of the Rent Control Appeal in R.C.A.No.1 of 2023 in three instalments or in lump sum on or before 10.09.2025.

(ii) On such deposit of arrears of rent as directed above, the judgement and decree dated 11.11.2024 passed in R.C.A.No.1 of 2023 will stand set aside, and the learned Rent Control Appellate Authority will take up the appeal in R.C.A.No.1 of 2023, which was dismissed by him on 11.11.2024 on file for rehearing, rehear it on merits and dispose of the same in accordance with law after giving opportunity to both parties.

(iii) The revision petitioner/tenant will also continue to deposit the rent at Rs.2,500/- per month to the credit of the



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original petition in R.C.O.P.NO.10 of 2013 on the file of the
Principal District Munsif, Villupuram regularly.

(iv) On deposit of arrears of rent by the civil revision petitioner/tenant as directed hereinabove, the respondent/landlord is permitted to withdraw the same on proper application before the Rent Control Appellate Authority. (v) Further, if the revision petitioner/tenant deposits the monthly rent at the rate of Rs.2,500/- as directed by this court hereinabove regularly, the respondent/tenant is permitted to withdraw the same from the Rent Controller once in every six months on proper application.

In the result, this civil revision petition is disposed of with the above directions. No costs. Consequently, connected CMP is closed.

Index : yes / no

10..06..2025

Neutral Citation : yes / no

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To

1.The Principal Subordinate Judge, Villupuram, Villupuram District.

2.The Principal District Munsif, Villupuram, Villupuram District.

3.The Additional District Munsif, Villupuram, Villupuram District.

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N.SATHISH KUMAR.J.,

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