



C.R.P(MD).No.935 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.935 of 2021
and C.M.P(MD).No.5276 of 2021

N.Lakshmanan

...Petitioner

Vs.

1.Chitra

2.Komala

(Sadhasivam died)

3.Balambiha

4.Tamilarasu

... Respondents

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings Lease and Rent Control) Act, 1960, to set aside the fair and decreetal order dated 15.03.2021 passed in RCA.No.1 of 2017, on the file of the Rent Control Appellate Authority, Sub Court, Paramakudi, confirming the fair and decreetal order dated 02.03.2017 passed in HRCOP.No.8 of 2014 on the file of the Rent Controller (District Munsif Court) Paramakudi.

For Petitioner : Mr.K. Mahendran

For Respondent Nos.1 to 3 : Mr.M.Rajaraman

R4 - Unserved



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ORDER

This civil revision petition is filed as against the order dated 15.03.2021 passed in RCA.No.1 of 2017, on the file of the Rent Control Appellate Authority, Sub Court, Paramakudi, confirming the fair and decreetal order dated 02.03.2017 passed in HRCOP.No.8 of 2014 on the file of the Rent Controller (District Munsif Court) Paramakudi.

2. For brevity, the parties are referred to as per their rank mentioned in HRCOP.No.08 of 2014.

3. The subject property belongs to the first petitioner's wife, namely, Saroja. A rental agreement was entered into between the first petitioner/Sivasamy Chettiar and the father of the first respondent in respect of the subject property fixing a monthly rent at Rs.40/-. Subsequently, the rent was increased periodically. After the demise of the first respondent's father, on 01.12.2009, the first respondent entered into a rental agreement with the first petitioner fixing a monthly rent at Rs.2340/- for a period of two years, wherein it was agreed that after the completion of the said term, the



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first respondent would vacate the property without raising any objection.

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Since the first respondent failed to vacate the property after the completion of the agreed period, the first petitioner granted a further period of one year. However, even thereafter, the first respondent neither paid the rent nor vacated the property. Hence, HRCOP.No.8 of 2014 was filed for eviction before the Rent Controller cum District Munsif Court, Paramakudi, on the ground of wilful default and owner's occupation. During the course of said proceedings, the first petitioner passed away. Consequently, the petitioners 2 to 5 and the second respondent were impleaded as his legal heirs. The said rent control proceedings ended in favour of the petitioners and the second respondent, as against which, the first respondent preferred an appeal in R.C.A.No.1 of 2017 on the file of the Rent Control Appellate Authority cum Subordinate Court, Paramakudi, and the same was dismissed. As against the concurrent findings, the present revision petition is filed.

4. The learned counsel for the petitioner herein would submit that admittedly, the father of the petitioner, Nagalingam Pillai, entered into a rental agreement with the husband of the owner, prior to 40 years and fixed monthly rent of Rs.50/- and subsequently, the rent was increased periodically. After the demise of the petitioner's father, on 01.12.2009, the petitioner



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herein entered into rental agreement with the husband of the owner, in which, the petitioner agreed to pay rent at Rs.340/- per month and subsequently, the same was enhanced by 30%. At the time of rent control proceeding, the petitioner was paying monthly rent at Rs.3,030/-. However, without any justification, the rent was unilaterally increased to Rs.60,000/- and the same was objected to by the petitioner. Hence, a petition for eviction in HRCOP 8 of 2013 was filed on the ground of wilful default and owner's occupation. The trial Court arrived at a conclusion that there is no wilful default, as the petitioner had paid the entire arrears of rent. The trial Court, however, accepted the ground of owner's occupation and ordered eviction. Challenging the same, the petitioner preferred an appeal before the lower appellate Court. The lower appellate Court confirmed the order passed by the trial Court, as against which, this petition is filed.

5. The learned counsel for the petitioner further submits that the owner's occupation was not clearly proved before the trial Court as well as the appellate Court and hence, the conclusion of the trial Court as well as the appellate Court with regard to owner's occupation is not sustainable. Accordingly, he prayed for allowing the appeal.



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WEB COPY 6. Per contra, the learned counsel for the respondents herein would submit that admittedly the petitioner's father entered into a rental agreement with the husband of the owner, prior to 40 years and thereafter, in the year 2009, the petitioner continued tenancy. Since the respondents' family had expanded and they were unable to run the family without reclaiming the property, the petitioner was asked to vacate the premises so that the second respondent could establish a tailoring shop. Hence, they sought eviction on the ground of owner's occupation, which was adjudicated before the trial Court, by adducing evidence. On that basis, the trial Court ordered eviction, which was confirmed by the lower appellate Court. Hence, the order of the lower Court need not be interfered with. Accordingly, he prayed for dismissal of this revision petition.

7. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

8. The facts in the present case are not in dispute. Admittedly, the petitioner's father entered into a rental agreement with the Karta of the respondents. After the demise of the petitioner's father, the petitioner



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continued tenancy. The petitioner claims that during the course of time, he paid rent at Rs.3,030/- per month, whereas the respondents demanded Rs. 60,000/- and thereby, a dispute arose between them. A perusal of the entire records reveals that the petitioner pleaded before the trial Court the grounds of wilful default and owner's occupation. Admittedly, the petitioner has been in continuous occupation of the property for more than 50 years, spanning several decades.

9. It is undisputed fact that the trial Court as well as the lower appellate Court arrived at a conclusion that there is no wilful default, since the petitioner paid the entire arrears of rent by way of Court deposit before the trial Court. In respect of the owner's occupation, the respondents pleaded before the trial Court that since the second respondent herein is running a tailoring shop in the name and style of 'Komala tailor', she wants to run the same in her own building. The Registration Certificate pertaining to tailoring profession was marked as Ex.P2 and the teacher training certificate was marked as Ex.P.3 and the receipt of sewing machine, which was purchased on 10.07.2009, was marked as Ex.B7.



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WEB COPY10. In view of the above, in the considered opinion of this Court, the trial Court rightly arrived at a conclusion that the occupation is necessary for the second respondent for avocation, which conclusion was affirmed by the lower appellate Court, which does not warrant any interference by this Court. Accordingly, this Civil Revision Petition is dismissed.

11. The petitioner is directed to vacate the premises on or before 11.07.2025, failing which, the jurisdictional police is directed to evict the petitioner and hand over the possession to the respondents.

No costs. Consequently, connected Miscellaneous Petition is closed.

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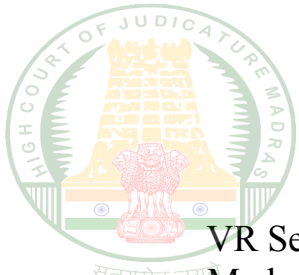
NCC:Yes/No

Index:Yes/No

Rmk

To:-

1. The Rent Control Appellate Authority (Sub Court) Paramakudi.
2. The Rent Controller (District Munsif Court) Paramakudi.
3. The Section Officer,



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VR Section,
Madurai Bench of Madras High Court, Madurai.

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M.DHANDAPANI, J.

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