



C.R.P.(MD)No.2217 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2217 of 2025

and

C.M.P.(MD).No.13149 of 2025

1.Murugesan

2.M.Balasubramanian

...Petitioners

Vs.

Ganga Lakshmi Ammal (Died)

1.N.Chellammal

2.S.Girija

3.K.Malliga

...Respondents

PRAYER: Civil Revision Petition is filed under 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, to call for the records and set aside the fair and decreetal order dated 13.07.2022 in R.C.A.No.3 of 2017 on the file of the Rent Control Appellate Tribunal, (Principal Sub Court), Tenkasi, reversing the fair and decreetal order dated 04.11.2015 passed in R.C.O.P.No.18



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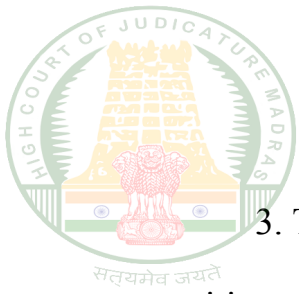
of 2011 on the file of the Rent Controller (Principal District Munsif), Tenkasi
and allow this Civil Revision Petition.

For Petitioners : Mr.G.Prabhu Rajadurai

ORDER

This petition has been filed seeking to set aside the fair and decreetal order dated 13.07.2022 made in R.C.A.No.13 of 2017 on the file of the Rent Control Appellate Tribunal (Principal Sub Court), Tenkasi, confirming the fair and decreetal order dated 04.11.2015 passed in R.C.O.P.No.18 of 2011 on the file of the Rent Controller (Principal District Munsif), Tenkasi.

2. The petitioners are tenants. The respondents / landlords filed a petition in R.C.O.P.No.18 of 2011 before the learned Rent Controller, Tenkasi, seeking eviction on the ground of willful default, alleging that the rent was enhanced to Rs.750/- per month and the petitioners failed to pay the same. The Rent Controller, by order dated 04.11.2015, allowed the petition and ordered eviction. Against which, the petitioners / tenants filed R.C.A.No.13 of 2017 before the Rent Control Appellate Tribunal (Principal Sub Court), Tenkasi, which was dismissed on 13.07.2022. Challenging the same, the present Civil Revision Petition has been filed.



3. The learned counsel appearing for the petitioners would submit that the petitioners had filed R.C.O.P.No.3 of 2011 under Section 11(3) of the Tamil Nadu Buildings (Lease and Rent Control) Act, seeking permission to deposit rent into Court, and that they had been regularly depositing the rent. However, the same was dismissed on 04.11.2015. It is his contention that there was no willful default, but the landlords had made baseless allegations.

4. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

5. Admittedly, the property originally belonged to the deceased landlady, Lakshmi Ammal. On 01.05.1999, the petitioners became tenants under her, paying a monthly rent of Rs.400/-. On 01.05.2003, the rent was enhanced to Rs.450/-, and thereafter, on 2006, it was enhanced to Rs.500/- and till January 2011, the petitioners claim to have paid the rent without default. However, the landlords alleged that the petitioners defaulted from September 2009. The petitioners were unable to produce any documentary proof before the Rent Controller regarding rent payment from September 2009 onwards. The eviction petition was filed in 2011, after more than two years of alleged default.



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6. Though the petitioners rely on the rent deposit petition under Section 11(3), the fact remains that they failed to establish continuous payment of rent from September 2009. The plea that rent was deposited subsequently cannot absolve them from the statutory liability of paying rent without default. Both the Rent Controller and the Appellate Authority, on appreciation of evidence, rightly concluded that the tenants committed willful default and ordered eviction.

7. In view of the above discussion, this Court finds no merit in the Civil Revision Petition. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The Rent Control Appellate Tribunal,
(Principal Sub Court), Tenkasi.

2. The Rent Controller (Principal District Munsif),
Tenkasi.



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3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI, J.

TSG

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