



C.R.P.(MD).No.3025 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD).No.3025 of 2023

against

R.C.A.No.4 of 2021

in

R.C.O.P.No.52 of 2018

M.Chandrasekar

.. Petitioner/Appellant/Respondent/Tenant

Vs.

1.W.M.S.Badhul

2.Abdul Hasan Gnani

3.Fathima Farhana

4.Sehu Fathima

5.Sithi Fathima

6.Mariam Thahira

7.Mohammed Abdul Kadher

8.Abul Hasan .. Respondents/Respondents/Petitioners/Landlord

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order passed in R.C.A.No.4 of 2021 on the file of the Rent Control Appellate Authority (Principal Sub Court) Tirunelveli dated 06.06.2022 confirming the fair and decreetal order passed in R.C.O.P.No.52 of 2018 on the file of the 1st Additional Rent Controller, 1st Additional District Munsif Court, Tirunelveli dated 18.11.2021.



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For Petitioner : Mr.T.Selvan
For Respondents : Mr.M.P.Senthil

ORDER

This Civil Revision Petition has been filed by the Tenant, challenging the order of eviction passed by the Rent Control Appellate Authority (Principal Sub Court) Tirunelveli.

2. A perusal of the R.C.O.P. Petition, reveals that it has been filed seeking eviction on the ground of willful default for non-payment of rent for the period between October 2017 to August 2018 @ 1,000/- per month.

3. A perusal of the counter filed by the Tenant, reveals that the Landlord is not in the habit of receiving the Rent every month. He used to collect rent in every five (5) months or six (6) months. Though the Petitioner has finally paid the Rent on 05.09.2017, thereafter, the Landlord has not turned up to collect the Rent. However, he had issued a legal notice on 28.02.2018, contending that the Tenant has committed a willful default.



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4. The Tenant has further contended in his counter that he had send money order for a sum of Rs.5,000/- on 26.11.2018 and another sum of Rs.5,000/- on 18.12.2018 and another sum of Rs.5,000/- on 26.02.2019. The Landlord has also received the same. Therefore, the Tenant has not committed any willful default. The Tenant has further contended that he would regularly pay the Rent hereafter.

5.The Rent Controller as well as the Appellate Authority have concurrently found that the Tenant committed willful default and ordered eviction. Challenging these findings, the present Civil Revision Petition has been filed.

6. According to the learned Counsel appearing for the Civil Revision Petitioner, the Landlord is in the habit of receiving the rent at irregular intervals of five (5) or six (6) months. Since, the Landlord has not turned up, the rent could not be paid from October, 2017. Immediately when he received a legal notice from the Landlord, he had paid the rent. Therefore, there is no willful default on the part of the Tenant. The Authorities below have not properly appreciated the said fact



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and has proceeded to order eviction.

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7. *Per-contra*, learned Counsel appearing for the Respondent/Landlord had contended that the Petitioner is not in the habit of regularly paying the Rent. Even after in receipt of legal notice, the Tenant has sent the Rent only in instalments and this would clearly reflect the attitude of the Tenant. Hence, he prayed for confirming the eviction order passed by the Courts below.

8. I have carefully considered the rival submissions advanced by the learned counsel for the Petitioner and the learned Counsel for the Respondents and perused all the materials available on record.

9. The dates and events captured above will clearly indicate that the Petitioner has admitted that he has not paid the Rent between October 2017 to August 2018. The Petitioner has received the legal notice from the Landlord on 20.08.2018 for non-payment of the Rent. The Landlord has filed the RCOP Petition for eviction on 17.09.2018. Only thereafter, the Tenant has chosen to send the Rent to the Landlord by way of money



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order and that too in instalments. This clearly establishes the fact that the Petitioner/Tenant has committed willful default.

10.The Original Authority as well as the Appellate Authority have rightly arrived at a finding that the Petitioner has committed willful default. This Court does not find any reason to interfere in the order of eviction passed by the Authorities concerned. Considering the fact that the Petitioner is a Goldsmith, time is granted till 30.06.2025 to vacate the property. Accordingly, this Civil Revision Petition stands dismissed. No costs.

03.02.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes

nst



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To

1.The

Rent Control Appellate Authority
Principal Sub Court
Tirunelveli.

2.The 1st Additional Rent Controller /
1st Additional District Munsif Court,
Tirunelveli.

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



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R.VIJAYAKUMAR,J.

nst

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