

CRP(MD). No.2360 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12/08/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2360 of 2022 and
CMP(MD) No.13566 of 2023**

R.Puppy @ Krishnamoorthy

... Petitioner

Vs

A.Arunagirinathan

... Respondent

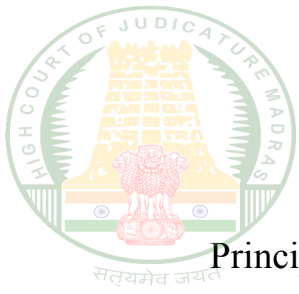
PRAYER :-Civil Revision Petition filed under Section 25 of Tamilnadu Buildings (Lease and Rent Control) Act, 1960, to pass an order setting aside the fair and decreetal order dated 15-09-2022 passed in R.C.A.No. 2 of 2021 on the file of the Principal Subordinate Judge (Rent Control Appellate Authority), Palani and thereby confirming the RCOP.No. 2 of 2018 on the file of the District Munsif Court (Rent Controller), Palani with costs.

For Petitioner : Mr.S.Anand Chandrasekar

For Respondents : Mr.N.Tamilmani

ORDER

This Civil Revision Petition is filed against fair and decreetal order dated 15-09-2022 passed in R.C.A.No. 2 of 2021 on the file of the



CRP(MD). No.2360 of 2022

Principal Subordinate Judge (Rent Control Appellate Authority), Palani,
confirming the order dated 23.04.2021 in RCOP.No. 2 of 2018 on the
file of the District Munsif Court (Rent Controller), Palani with costs.

2. The petitioner is the tenant and the respondent is the owner of the non residential premises, namely, Puppy Parotta Stall at Palani. Claiming relationship landlord and tenant between them and alleged default of rent on the part of the petitioner, the respondent filed a petition in RCOP No.2/2018 on the file of the Rent Controller, Palani seeking eviction on the ground of wilful default in payment of rent. The said petition was allowed on 23.04.2021 against which the petitioner filed an appeal in RCA No.2/2021 on the file of the Principal Sub Court, Palani. The Rent Control appellate authority vide judgment dated 15.09.2022 confirmed the order passed in RCOP No.2/2018 and dismissed the appeal. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the present petition is filed solely on the ground that before the expiry of the mandatory period of two months default notice issued by the landlord for



CRP(MD), No.2360 of 2022

eviction proceedings was initiated against the petitioner is not sustainable and the same is contrary to Section 10(2)(i) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. The learned counsel further submit that admittedly notice was issued by the landlord on 24.07.2018 and the two months period expires only on 24.09.2018. However, the present rent control proceedings was initiated on 08.09.2018 ie., prior to the expiry of the mandatory period of two months and the said issue was not at all considered by the original authority and the appellate authority, which is non-est in the eye of law. In support of his contention, the learned counsel relied on a decision of this Court in 2018 (4) CTC 208. On this sole ground, the learned counsel prays for interference.

4. Per contra, the learned counsel for the respondent would submit that admittedly the default notice was issued by the respondent 24.07.2018. However, the petition was presented on 18.09.2018, which was prior to two months period, which was returned and it has been taken on file only on 22.11.2018, which is after a period of four months and hence, it is not stated to be within a period of two months and the ground

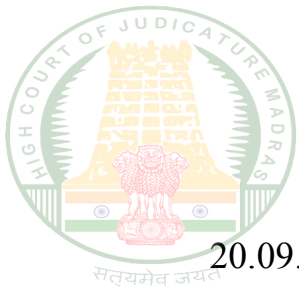


CRP(MD). No.2360 of 2022

that has been taken has no legs to stand. On these grounds, the learned counsel prays for dismissal of the petition.

5. I have considered the rival submissions and perused the materials available on record.

6. The fact that the petitioner is the tenant and the respondent is the landlord is not in dispute. Admittedly, the premises is a parotta stall. For wilful default in paying the rent, rent control proceedings has been initiated and the same was allowed in favour of the landlord against which, in the appeal filed, the trial Court dismissed the same confirming the order of the rent controller. Against the said judgment, the petitioner is before this Court and the challenge is made on a simple ground that within the completion of default period of two months, the proceedings came to be initiated. It is seen that the initial default notice was issued on 24.07.2018 and the proceedings was initiated on 18.09.2018 which is within the said period of two months. It is to be noted that when the petition was presented on 18.09.2018, the rent controller questioned the maintainability and returned the petition and when it was represented on



CRP(MD), No.2360 of 2022

20.09.2018, it was again returned for compliance of earlier return and again returned on 12.10.2018. Subsequently the petition was again presented on 24.10.2018 and it was again returned on 16.11.2018 and taken on file only on 22.11.2018. All these above returns are beyond the period of two months from 24.07.2018. Even if the said plea raised by the petitioner before the trial Court, there is no rent control agreement between the parties and the petitioner has secured the property by way of mortgage by paying Rs.80,000/- and the said payment of Rs.80,000/- was not brought before the trial Court and thereby the trial Court arrived at a conclusion that the petitioner is a wilful defaulter and default in payment of the rent even after the receipt of the notice from 24.07.2018 till numbering the RCOP. Hence, the original authority as well as the appellate authority arrived at a conclusion that the petitioner committed default and allowed the petition, which was subsequently confirmed in appeal. However, a perusal of the the decision in 2018 (4) CTC 208 relied on by the learned counsel would go to show that it is not applicable to the facts of the present case.

7. Accordingly, the Civil Revision Petition is dismissed. Since the



CRP(MD). No.2360 of 2022

petitioner has entered into the premises in the year 1998 and even after lapse of three decades, the petitioner has not vacated the premises, three months time is granted for the petitioner to vacate the premises from the date of receipt of a copy of this order. If the petitioner failed to vacate and hand over the premises within the said three months period, the respondent shall approach the jurisdictional police for carrying out eviction proceedings. No costs. Consequently connected Miscellaneous Petition is closed.

12.08.2025

NCC : Yes/No

Index : Yes/No

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TO

- 1.The Principal Subordinate Judge (Rent Control Appellate Authority), Palani
- 2.The District Munsif Court (Rent Controller), Palani
- 3.VR Section
Madurai Bench of Madras High Court, Madurai.



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CRP(MD). No.2360 of 2022

M.DHANDAPANI,J

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**ORDER
IN
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Date : 12/08/2025