



C.R..P.(NPD)(MD).No.2514 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.2514 of 2022

and

C.M.P(MD) No.12354 of 2022

V.Chandramohan

... Petitioner/Appellant
/Tenant

Vs.

A.Saroja Ammal

... Respondent/
Respondent/
Landlord

PRAYER: Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 1960, against the judgment and decree passed in R.C.A.No.2 of 2021, dated 27.09.2021 on the file of the Rent Control Appellate Authority/Sub Court, Pattukottai confirming the judgment and decree passed in R.C.O.P.No.5 of 2018, dated 05.08.2021 on the file of Rent Controller/District Munsif Court, Pattukottai.

For Petitioner : Mr.N.Balakrishnan

For Respondent : Mr.S.Deenadhayan



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ORDER

The respondent/tenant in R.C.O.P.No.5 of 2018 on the file of the Rent Controller/ District Munsif Court, Pattukkottai, is the revision petitioner herein.

2. The respondent/landlord has filed the above said Rent Control Petition for evicting the tenant on the ground of willful default, owner's occupation and demolition for reconstruction. The Rent Controller had allowed the eviction petition only on the ground of willful default and rejected the other grounds. Challenging the same, the tenant had filed R.C.A.No.2 of 2021 before the Rent Control Appellate Authority/Sub – Court, Pattukkottai, who had concurred with the findings of the Rent Controller and dismissed the appeal. Challenging the concurrent findings, the present Civil Revision Petition has been filed.

3. According to the learned counsel appearing for the revision petitioner, the landlord had refused to receive the rent in the year 2016 and therefore, the tenant was constrained to file R.C.O.P.No.2 of 2016 under



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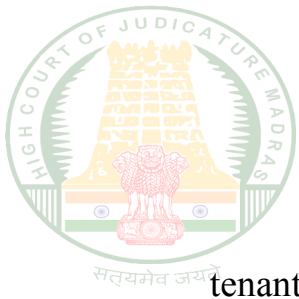
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Section 8 of Tamil Nadu Buildings (Lease & Rent Control) Act. The tenant has been regularly remitting the monthly rent to the credit of the said R.C.O.P. Therefore, the contentions of the landlord that the tenant has committed willful default is not legally sustainable.

4. On the other hand, the learned counsel appearing for the landlord had contended that the eviction petition was filed for willful default covering the period between January 2017 and October 2018. The Rent Controller as well as the appellate authority have found that the tenant had been depositing the rent before the Rent Controller in R.C.O.P.No.2 of 2016 in lump sum and arrears. Therefore, the Courts below have rightly arrived at a finding that the tenant has committed willful default. Hence, he prayed for sustaining the order of eviction.

5. Heard both sides and perused the records.

6. A perusal of the eviction petition reveals that the landlord had contended that the tenant has committed willful default for a period of 20 months covering from January 2017 to October 2018. The only defence of the



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tenant is that he had been regularly remitting the monthly rent in R.C.O.P.No. 2 of 2016, which was instituted by him for depositing the rent. The Rent Controller as well as the appellate authority have arrived at a finding that the tenant had habitually remitted the rent in lump sum and the rent has not been deposited every month. The Courts below have arrived at a concurrent finding that the tenant has committed willful default. In such circumstances, this Court is of the considered opinion that there is no ground to interfere in the order of eviction passed by the Courts below.

7. The learned counsel appearing for the revision petitioner submitted that the tenant is running a commercial establishment in the petitioner's premises and he requires time to vacate the same. Considering the fact that it is a power tools shop, this Court is inclined to grant time till **31.08.2025** to vacate and hand over vacant possession to the landlord.



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8. In view of the above said deliberations, this Civil Revision Petition stands dismissed granting time till **31.08.2025** to vacate the premises. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

24.02.2025

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

1. The Rent Control Appellate Authority/Sub Court,
Pattukottai.
2. The Rent Controller/District Munsif Court,
Pattukottai.
3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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