



CRP(MD). No.3741 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.12.2025

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3741 of 2025

and

CMP(MD) No.19694 of 2025

T.G.Shakila

... Petitioner

Vs

O.R.Subramanian

... Respondent

PRAYER :-Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, to set aside the fair order and decreetal order dated 22.10.2025 passed in I.A.No.1 of 2023 in R.C.A.No.21 of 2020 on the file of Rent Control Appellate Authority (Principal Sub-Court) Madurai.

For Petitioner : Mr.C.Sundaravadivel

ORDER

This Civil Revision Petition has been filed challenging the order passed in I.A.No.1 of 2023 in R.C.A. No.21 of 2020 on the file of the Rent Control Appellate Authority (Principal Sub Judge, Madurai).



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2.The petitioner is a tenant and the respondent is a landlord. The respondent initiated rent control proceedings in R.C.O.P.No.100 of 2015 before the Rent Controller, Madurai Town, under Section 10(2)(i) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, seeking an order of eviction, directing the petitioner to vacate and hand over the property to the respondent/landlord and to direct the petitioner to pay costs. After full-fledged trial, the learned Rent Controller allowed the petition on the ground of willful default and ordered eviction of the respondent on 20.12.2019. Aggrieved over the same, the petitioner/tenant filed R.C.A.No.21 of 2020 before the Rent Control Appellate Authority (Principal Sub Judge, Madurai), Madurai. Pending appeal, the respondent/landlord filed an interlocutory application in I.A.No.1 of 2023 before the Rent Control Appellate Authority, (Principal Sub Court) Madurai, under Section 11(4) of the Tamil nadu Buildings (Lease and Rent Control) Act, to stop all further proceedings in the appeal, pending payment of arrears of rent by the petitioner as ordered in the eviction proceedings. The said IA was allowed. Challenging the same, the petitioner/tenant is before this Court.



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3.The learned counsel appearing for the petitioner reiterating all the contentions set out in the memorandum of Revision would submit that the petitioner/tenant has paid a sum of Rs.2,500/- as monthly rent to the respondent and also has paid a sum of Rs.1,20,000/- as rental advance. Of this rental advance amount, a sum of Rs.20,000/- has been paid as advance to the respondent and a sum of Rs.1,00,000/- has been paid as additional advance to the respondent's father-in-law, namely, Pandurengan.

4.He would further submit that as per Rent Control proceedings, though the respondent can receive only one month rent towards advance, he has received more than a lakh rupees towards advance from the petitioner. As the excess amount in the hands of the respondent has to be adjusted towards the rent due, the petitioner is entitled for deduction of the rent amount from the advance amount paid by her. The petitioner has paid rents up to the month of December, 2014 and is liable to pay the rents only from the month of January, 2015. The failure on the part of the petitioner to pay rent to the respondent is only because of the huge



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demand of increased rent by the respondent and the same is not willful nor wanton. However, without considering all these aspects, the Court below had passed an order of eviction and when the same was challenged in the appeal proceedings, the appellate authority had also passed an order in the IA filed by the respondent, directing the petitioner to pay a sum of Rs.1,12,500/- towards arrears on or before 20.11.2025 and to pay the subsequent rents from November, 2025, failing which, further proceedings of the appeal will be stopped. Hence, he seeks interference of the order impugned herein.

5.Heard the learned counsel for the petitioner. Since no adverse order is going to be passed, notice to the respondent is dispensed with.

6.Admittedly, the respondent/landlord had filed R.C.O.P.No.100 of 2015 against the petitioner/tenant before the Rent Controller, Madurai Town, to evict the petitioner from the petition mentioned property and to direct the petitioner to pay costs. The said petition was allowed on 20.12.2019. Aggrieved over the same, the petitioner/tenant filed R.C.A.No.21 of 2020 before the Rent Control Appellate Authority



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(Principal Sub Judge, Madurai), Madurai. Pending appeal, the respondent/landlord filed I.A.No.1 of 2023 before the Rent Control Appellate Authority, (Principal Sub Court) Madurai, to stop all further proceedings in the appeal, which was also allowed.

7.The main contention raised by the learned counsel for the petitioner is that as per the Rent Control Proceedings, the respondent can receive only one month rent towards advance, however, the respondent has collected a sum of Rs.1,20,000/- as advance and therefore, the excess amount in the hands of the respondent has to be adjusted towards the rent due payable by the petitioner.

8.A perusal of the impugned order would reveal that no proof was filed for the amount of Rs.1,00,000/- paid by the petitioner towards additional advance to the respondent side. According to the petitioner, the additional advance amount of Rs.1,00,000/- was given to one Mr.Pandurengan, who is the father-in-law of the respondent. But, he is not the owner of the property. Therefore, the claim of the petitioner that as a tenant she paid a sum of Rs.1,00,000/- to Pandurengan as additional



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advance amount cannot be accepted. It is merely a vague statement made by the petitioner without substantiating the same by producing necessary documents. The petitioner herself admitted that the respondent is the owner and she is a tenant and as such, there is a clear existence of jural relationship of tenant and landlady between the petitioner and the respondent. Accordingly, this Court is of the view that the Court below has rightly allowed the application and this Court also finds no illegality or infirmity in the order impugned herein.

9. With the above observations, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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

The Principal Subordinate Judge, Madurai.



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N.SENTHILKUMAR, J.

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