



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.03.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.754 of 2025

and

C.M.P(MD)No.3988 of 2025

Ammathulsamadha

...Petitioner/Appellant/
Respondent/Tenant

Vs.

Rajasekar

...Respondent/Respondent/
Petitioner/Landlord

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to allow the Civil Revision Petition by setting aside the fair and decretal order passed in R.L.T.A.No.3 of 2024 dated 21-10-2024, on the file of the Rent Controller Appellate Authority (1st Additional District Judge), Tirunelveli confirming the fair and decretal order passed in R.L.T.O.P.No.6 of 2020 dated 31-03-2022, on the file of the Rent Controller Authority (1st Additional District Munsif court), Tirunelveli.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.T.Selvam
for M/s.S.B.Kamalanathan

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ORDER

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The respondent/tenant in R.L.T.O.P.No.6 of 2020, on the file of the First Additional Rent Control Authority, Tirunelveli, has filed the present revision petition, challenging the concurrent orders of eviction passed by the authorities concerned.

2.A perusal of the records reveal that the respondent herein who is the landlord had filed the above said eviction petition on the ground of willful default and owner's occupation. The rent controller has categorically arrived at a finding that the tenant has committed wilful default in payment of the rent. The authorities has further found that the landlord is running a Mobile shop in the first floor of the building and the tenant is running a Grocery shop in the ground floor. In such circumstances, the request of the landlord to shift his business to the ground floor is bonafide one and he has proceeded to order eviction on the ground of owner's occupation.

3.This order was put to challenge by the tenant before the authority in R.L.T.A.No.3 of 2024, before the First Additional District Court, Tirunelveli. The appellate authority after considering the submissions made on either side has proceeded to hold that the tenant has not paid the rent from March 2019 onwards and therefore, he has committed willful default. The first appellate

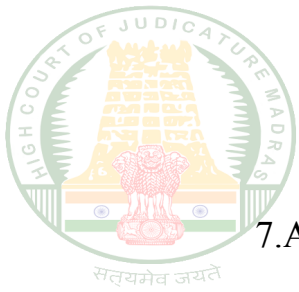


authority has also found that the requirement of the landlord of the petition mentioned premises is bonafide in nature and has proceeded to confirm the eviction order passed by the rent controller. Challenging the said orders, the present revision petition has been filed.

4. According to the learned Counsel appearing for the revision petitioner, the rent controller as well as the appellate authority had not properly appreciated the fact that the rent was regularly paid by the tenant and the requirement of the landlord for the ground floor is not bonafide. He further contended that the landlord is running a Mobile Shop in the first floor and the ground floor is not required for his personal occupation. He further contended that the Courts below have not properly appreciated the oral and documentary evidence filed on the side of the tenant and has proceeded to order eviction is erroneous one.

5. Per contra, the learned Counsel appearing for the respondent/landlord had pointed out that the tenant has not paid the rent from March 2019 onwards and the requirement of the landlord for the ground floor premise is bonafide in nature.

6. I have considered the submissions made on either side and perused the materials available on record.



7.As could be seen from the orders passed by the Rent Controller as well as the Appellate Authority, the tenant has failed to pay the rent from March 2019 onwards. Admittedly, the landlord is running a Mobile shop in the first floor of the premises and he wants to carry out his business in the ground floor. Therefore, the bonafides of the landlord cannot be disputed. In such circumstances, this Court does not find any reasons to interfere in the orders of eviction passed by the authorities concerned.

8.When the revision was about to be dismissed, the learned Counsel appearing for the tenant sought one year time to vacate the premises and hand over the possession.

9.In view of the above said deliberations, this Court is inclined to pass the following orders:-

a)the tenant is directed to vacate and hand over the vacant possession to the landlord on or before **31.12.2025;**

b)the tenant shall continue to pay the rent without any default after adjusting the advance amount;

c)in case, if the tenant has not handed over the premises on or before 31.12.2025, the landlord is entitled to seek the police protection to take the possession of the property; and



d)the petitioner/tenant is directed to file undertaking within a period of one week to the effect that he will vacate and hand over the vacant possession of the premises on or before 31.12.2025.

10.With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

17.03.2025

Internet: Yes/No
Index: Yes/No
RJR

To

1.The learned 1st Additional District Judge,
The Rent Controller Appellate Authority,
Tirunelveli

2.The learned 1st Additional District Munsif,
The Rent Controller Authority,
Tirunelveli.

Copy to:-

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



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R.VIJAYAKUMAR, J.

RJR

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