



CRP(MD).No.2715 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

CRP(MD).No.2715 of 2025

and

CMP(MD).No.15920 of 2025

VMPS.Meera Hussain

...Petitioner

Vs.

M.Subbulakshmi

...Respondent

PRAYER: Civil Revision Petition filed under Section 25 of the TN Buildings (Lease and Rent) Control Act. to set aside the Fair and Decretal order dated 04.08.2025 passed in R.C.A.No.1 of 2024 on the file of the Subordinate Judge (Rent Control Appellate Authority), Melur confirming the Fair and Decretal order dated 11.03.2024 passed in R.C.O.P.No.2 of 2014 on the file of the District Munsif (Rent Controller), Melur and allow the present Civil Revision petitioner and thus render justice.

For Petitioner : Mr.M.P.Senthil
for
N.C.Ashok Kumar

For Respondent : T.K.Gopalan



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ORDER

Heard Mr.M.P.Senthil, representing Mr.N.C.Ashok Kumar, for petitioner and Mr.T.K.Gopalan, for Respondent.

2. This Civil Revision Petition invokes Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960. It challenges the order passed by the Rent Control Appellate Authority cum Subordinate Judge, Melur in R.C.A.No.1 of 2024 dated 04.08.2025 in confirming the fair and decreetal order of the learned District Munsif (Rent Controller), Melur in RCOP.No.2 of 2014 dated 11.03.2024 and thereby ordering eviction of the Civil Revision petitioner from the demised premises.

3. For the sake of convenience, the parties shall be referred to as landlord and tenant.

4. It is the case of the landlord that the property belonged to one Maluventhi Chettiar. The said Maluventhi Chettiar had executed a "WILL" in favour of the landlord on 15.02.1988. This was an account of the fact the landlord's husband was the nephew of Maluventhi Chettiar. The testator passed away on 28.02.1989, thereby the landlord crystallised her title over the property.



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5. The landlord put the tenant into possession of the property in the year 1995. The monthly rent was fixed at Rs.550/- and advance of Rs.3,300/- was paid. The purpose of tenancy was non-residential. Step by step, the rents were increased, as the years went by, and the tenant was to pay a sum of Rs.4,000/- from December 2006 onwards.

6. The landlord alleged that the tenant did not pay the rent from December 2012 to June 2013. Hence, she issued a notice on 25.01.2014 demanding the arrears of rent. Instead of complying with this legitimate demand made by the landlord, the tenant refused to receive the notice. Being left with no other alternative, the landlord presented the petition for eviction under Section 10(2)(i) of the Tamil Nadu Buildings Lease and Rent Control Act.

7. Summons were served on the tenant.

8. He agreed that the property belonged to Maluventhi Chettiar. He also agreed that he was in occupation of the property as a tenant running an iron materials business. He urged that a sum of Rs. 2,00,000/- had been spent by the earlier tenant, one Masthan, and that had to be adjusted towards the tenant's advance amount. He pleaded that there was no landlord-tenant relationship as he was in possession of



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the property as a othidar (ஒத்திதார்). Hence, he urged the eviction
Petition is liable to be dismissed on that short ground.

9. On these pleadings, the landlord and tenant let in evidence. The landlord examined herself as P.W.1 and marked Exhibit.P.1 to P.12. On the side of the tenant, he examined himself as R.W.1 and marked Exhibit R1 to R33.

10. The learned Rent Controller came to a conclusion that the plea projected by the tenant that he was Othithar (ஒத்திதார்) and not a tenant is not acceptable. Even the date on which the alleged Othi (ஒத்தி) was entered into had not been disclosed by the tenant. Furthermore, he found that the Othi (ஒத்தி) deed under Exhibit R.33 had not been registered in terms of Section 17 of the Registration Act, hence, the same is inadmissible. The tenant, having taken a stand of Othi (ஒத்தி) and since that aspect failed, the learned Rent Controller came to a conclusion that there was no proof of payment by the tenant during the alleged period of default. Consequently, he ordered eviction.

11. Aggrieved by the same, the tenant preferred an appeal in RCA.No.1 of 2024 on the file of the learned Subordinate Judge cum Rent Control Appellate Authority, Melur. In and by way of an order dated



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04.08.2025, the Appellate Authority confirmed the findings of the Rent Controller/District Munsif Court, Melur. Aggrieved by the same, the present revision petition.

12. Mr.M.P.Senthil, urged that the tenant is an Othithar (ஒத்திதார்) in terms of Ex.R.33 and so he is not in possession of the property as a tenant. Therefore, he submits the order of eviction passed by the courts below requires to be interfered with. He pleaded that the Courts below did not appreciate this aspect of the case in the proper light and hence, though concurrent in nature, the findings are perverse.

13. Per Contra, Mr.T.K.Gopalan urged that the scope of Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act does not empower the Court to re-appreciate the evidence as sought for by the tenant. He further added that the Othi (ஒத்தி), on the basis of which the tenant places heavy reliance upon, is not worth the paper on which it is written upon, since it is an inadmissible under Section 17 of the Registration Act.

14. I have carefully considered the submissions of both sides. I have gone through the records.



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15. A perusal of Ex.R.33 shows that the alleged Othi (ஒத்தி) was for a period of 5 years. An Othi (ஒத்தி) is more or less akin to a mortgage. It amounts to limiting or extinguishing the right of the landlord. Therefore, necessarily it requires to be registered as per Section 17 of the Registration Act, 1908. If the said document is not registered, it cannot be considered as a valid piece of evidence. If this defence of the tenant vanishes, the period of default as found by the Courts below, remains unexplained.

16. The landlord had categorically pleaded that the tenant had not paid the rents from the period December 2012 to June 2013. The eviction as grounds of denial of title need not be gone into in detail here, for the simple reason, the petition has been filed only under Section 10(2)(i) of the Tamil Nadu Buildings Lease and Rent Control Act. The aspect of tenancy has been particularly gone into by the Courts below, especially in the light of the objection raised by Mr.M.P.Senthil on the possession of his client as Othithar (ஒத்திதார) and has been rejected. Therefore, I do not find any merits in the revision.

17. At that stage, Mr.M.P.Senthil pleaded that the tenant has been in possession of the property for a long period of time and since



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Execution Petition is pending, he requires breathing time to vacate and handover possession.

18. Therefore, I called upon the tenant to file an affidavit of undertaking as to how long he would require time. Mr.M.P.Senthil has filed an affidavit stating that he requires 30 days time from today to vacate and handover the possession. The said undertaking affidavit is scanned and extracted hereunder.

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
NADURAHENCH

C.R.P.(MD)No. 2715 of 2025

VMPS. Meera Hussain, S/o. Shahul Hameed, No.628, Jetti Store, Cheekodi, Melur, Madurai District.	... Petitioner/Petitioner
-Vs-	
M.Subbulakshmi, W/o. Murugesu, No.92, Sathya Bhavanam, Gandhi Park Road, Melur, Madurai District.	... Respondent/Respondent

AFFIDAVIT OF THE PETITIONER.

I, VMPS. Meera Hussain, S/o. Shahul Hameed, Muslim, aged about 55 years, living business at No.628, Jetti Store, Cheekodi, Melur, Madurai District, do hereby solemnly affirm and sincerely state as follows:

1. I am the petitioner herein and petitioner in the above Civil Revision Petition and as such I am well acquainted with the facts of the case.

2. I submit that the respondent obtained an order of eviction in R.C.O.P. No.2 of 2014 on the file of the Rent Controller-cum-District Munsif, Melur, which was confirmed by the Rent Control Appellate Authority. Challenging the same I filed this Civil Revision Petition.

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* *[Signature]*



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3. I submit that the respondent has now filed E.P.No.16 of 2024 seeking delivery of possession of the petition mentioned property.

4. I respectfully submit that I am now ready to vacate the premises and hand over possession to the respondent. As I have been running shop by namely 'Jothi scores' in the premises for several years, I may be given 30 days time to remove the goods, materials and fixtures in the shops.

5. I undertake that I will vacate the premises and hand over possession to the respondent within the time granted by this Hon'ble Court without failing.

Hence, it is prayed that this Hon'ble Court may be pleased to grant reasonable time to vacate the premises and remove the superstructures and thus render justice.

[Signature]

Solemnly affirmed at Madurai on this the day of 14th March-2026. The contents of this affidavit was read out & explained to the deponent in Tamil who perfectly understood the same and signed his name in my presence.

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Before me

[Signature]

P. JAGADEESH. B.L.
Advocate, E.P.No. 1307/02
K.O.2, K.P. Nagar, Phase II,
Podanashile, Rajakambooram,
Y.Othakkal, Madurai - 625 017.

Qc: 7373121389



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19. In the light of the undertaking, the tenant is granted 30 days time from today, that is till **17.04.2026** to vacate and handover possession of the demised premise. In case, the tenant does not hand over the possession on or before the said date, it is open to the landlord to move an application for contempt of court. Till **17.04.2026**, the E.P.No.16 of 2024 shall stand adjourned.

20. With the above directions, this Civil Revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.03.2026

gvn

To:

1. The Subordinate Judge (Rent Control Appellate Authority),
Melur.
2. The District Munsif Court (Rent Controller),
Melur.



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V.LAKSHMINARAYANAN, J.

gvn

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