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C.R.P. NPD No.291 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.NPD No.291 of 2019

and

C.M.P. No. 2155 of 2019

Mr. S.Syed Nisar Basha,
S/o. Syed Anser Basha

... Petitioner

Versus

Mr.Abdul Razack,
S/o. Syed Wahab

... Respondent

PRAYER : Civil Revision Petition is filed under Rule 25(1) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1974, praying to set aside the order passed in R.C.A. No. 134 of 2018 dated 29.10.2018 on the file of Special Sub-Judge to deal with M.C.O.P. Cases and Full Additional Charge of IX Small Causes Court, Chennai confirming the order in R.C.O.P.No. 46 of 2016 on the file of XVI Small Causes Court, Chennai dated 08.01.2018 and to set aside the same by allowing the above C.R.P.



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For Petitioner : Mr.M.Vivekanandan

For Respondent : No appearance

ORDER

(This case has been heard through video conference)

This Civil Revision Petition has been filed seeking to set aside the order dated 29.10.2018 passed in R.C.A.No.134 of 2018 on the file of the Special Sub-Judge to deal with MCOP Cases and Full Additional Charge of IX Small Causes Court, Chennai, confirming the order passed in R.C.O.P.No.46 of 2015, dated 08.01.2018 by XVI Small Causes Court, Chennai.

2. Heard both sides.

3. The Revision Petitioner herein is the tenant, against whom, a petition in R.C.O.P.No. 4 of 2016 was filed for eviction on the ground of Section 10(2)(i) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. The tenant also contested the petition. On hearing both sides, the learned Rent Controller elaborately discussed about the willful default



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committed by the tenant and allowed the R.C.O.P. on 08.01.2018. The said order was agitated by the tenant before the Rent Control Appellate authority in R.C.A.No. 134 of 2018 in the court of Small Causes at Chennai. The landlord has contested the appeal. On hearing both sides, the appellate authority also confirmed the order passed by the learned Rent Controller for the reason that the Revision Petitioner/tenant has committed willful default and even from the year 2015, there is arrears of rent for more than Rs.1 lakh and further, he was not prompt in payment of rent. Aggrieved that order, the Revision Petitioner/tenant has preferred this revision petition.

4. At the time of argument, the learned counsel appearing for petitioner would submit that at the time of admission of this Civil Revision Petition, the arrears of rent as directed by this court was deposited in court.

5. Considering his submissions, this court was able to notice that from the year 2015, there is arrears of rent for more than Rs.1 lakh and all these years, the Revision Petitioner/tenant has not taken any steps to pay rent either by depositing the same into court or to the landlord. Hence, he has no



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right to proceed further, since he has committed default wantonly in tendering rent all these years. Therefore, this Revision Petition is not maintainable. When the respondent has committed willful default, both the courts below have factually and legally considered the facts and dismissed the R.C.O.P. as well as R.C.A. filed by the Revision Petitioner, which requires no interference of this court. Accordingly, this Civil Revision Petition is dismissed as no merits. However, the Revision Petitioner is directed to vacate the premises within a period of three months from the date of receipt of copy of this order. No costs. Consequently, connected C.M.P. is closed.

29.10.2021

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

To
1. Special Sub-Judge,
IX Small Causes Court,
(Rent Control Appellate Authority), Chennai.

2. XVI Small Causes Judge,
(Rent Controller), Chennai.

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T.V.THAMILSELVI, J.

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