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SLP(C)No. 13871-13872 OF 2000

ITEM No.8

Court No. 4

SECTION XII
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.13871-13872/2000

(From the judgement and order dated 17/08/2000 in CRP 1563-64/2000
of The HIGH COURT OF MADRAS)

B. SAROJINI

Petitioner (s)

VERSUS

RAJESWARI SUBRAMANIAM & ORS.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for Raising additional grounds)
(For Final Disposal)

Date : 30/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIK
HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) M/s. V.Krishnamurthy, Senthil Jagadeesan and
Mr. V. Balachandran, Advs

For Respondent (s) Mrs.K. Sarada Devi, Adv.

UPON hearing counsel the Court made the following
O R D E R

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These SLPs. are by the tenant against an order of
eviction passed by the Rent Controller under the provisions
of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960,
which order of eviction has been upheld in appeal as well as
by the High Court in revision. The forums below, on
consideration of materials, have come to the conclusion that
the tenant has committed willful default in the payment of
rent, and as such incurred liability of being evicted. The
learned counsel appearing for the petitioner contended that
this conclusion is erroneous inasmuch as certain advances

- 2 -

paid had not been adjusted, which ought to have been
adjusted, and further the arrears, if any, during the
pendency of the proceedings cannot be taken into account.
We, however, on examining the records and the relevant
provisions of the Act, do not find any substance in the same.
In that view of the matter, we see no justification for our

interference with the impugned order of eviction. The SLPs. are accordingly dismissed.

The learned counsel for the petitioner, however, prays that some time be given to the tenant-petitioner to deliver vacant possession of the premises to the landlord-respondents. The learned counsel for the respondents states that she has no objection to the same. Having considered the facts and circumstances of the case, we direct that the tenant petitioner shall deliver vacant possession of the premises to the landlord respondents on or before 31st May, 2002 subject to usual undertaking being filed in this Court within four weeks from today.

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(Y.P.Dhamija)	(Suneet Bala Sharma)@@
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Court Master	Court Master@@
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