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C.A.No. 181-191 OF 1999

ITEM No. 102

COURT NO. 8

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NOS. 181-191 OF 1999@@

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ARUMUGHAM & ORS.

... APPELLANT (S)

VERSUS

TUTICORIN V. DHARMA P. SANGHAM
(With office report)

... RESPONDENT (S)

Date : 30/01/2002 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Appellant (s)

Mr. K. Ram Kumar, Adv.
Mr. B. Sridhar, Adv.

For Respondent (s)

Mr. K.K. Mani, Adv.

UPON hearing counsel the Court made the following

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Mr. K. Ram Kumar, learned counsel for the appellants started his arguments at 12.00 p.m. and concluded at 12.40 p.m. Thereafter, Mr. K.K. Mani, learned counsel for the respondent argued for 10 minutes.

The appeals are dismissed in terms of the signed order.

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Sarita (Radha Rani Bhatia)@@

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Court Master@@

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 181-191 OF 1999@@
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There are 11 appellants, feeling aggrieved by the common order of the High Court, whereby the High Court has upheld the finding of the Appellate Authority holding them liable to eviction under Section 14(1)(b) of the Tamil Nadu Building (Lease and Rent Control Act), 1960 (hereinafter referred to as 'the Act', for short). There were in all 13 eviction petitions filed, out of which 10 were rejected by the Controller and 3 were allowed. Two of the tenants, who were directed to be evicted, preferred appeals before the Appellate Authority. The landlord preferred appeals against the order of the Controller rejecting its 10 cases for eviction. All the 11 appeals were disposed of by the Appellate Authority by a common order upholding the entitlement of the landlord for an order of eviction in supersession of the orders of the Controller to the extent they were adverse to the ..2/-

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landlord. The revisions preferred by the tenants before the High Court have been dismissed and the order of the Appellate Authority upheld.

We have heard the learned counsel for the parties at length. Though there is no lease in writing, having considered the oral evidence, the documentary evidence and the conduct of the tenants in dealing with the property and their landlord, the Appellate Authority has arrived at a finding that the land alongwith the superstructures belonged to the landlord and vested in it. The tenants have been paying rent to the landlord in respect of the land and the superstructures both. The Appellate Authority, as also the High Court, have kept in view the definition of the "landlord" as given in Section 2(6) of the Act, that "landlord" includes the person who is receiving or is entitled to receive the rent and the definition of "tenant" in Section 2(8), that "tenant" means any person by whom or on whose account rent is payable for a building. They have then concluded that the tenants are tenants in respect of land and superstructures both. This is a finding of fact arrived at by the Appellate Authority and maintained by the High Court on a consideration of the material available on record. We do not find any valid ..3/-

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reason for disturbing the finding so arrived at. In view of this finding, we need not examine the question, whether any renovation of the premises or any structure raised by the tenants had stood surrendered to the landlord or not.

The appeals are found devoid of any merit and are dismissed.

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.....J.
(R.C. LAHOTI)

New Delhi,
January 30, 2002.

.....J.
(P. VENKATARAMA REDDI)