

R.Lazarus vs Dr.Mrs.Ann Duraisamy on 26 September, 2012

Author: S.Tamilvanan

Bench: S.Tamilvanan

IN THE COURT OF JUDICATURE AT MADRAS
DATED: 26.09.2012
CORAM
THE HON'BLE MR. JUSTICE S.TAMILVANAN
C.R.P.(NPD).No.4244 of 2009 &
M.P.No.1 of 2009 and M.P.No.1 of 2012

R.Lazarus

.. Petitioner

vs.

Dr.Mrs.Ann Duraisamy,
Rep. by her Power of Attorney agent S.Ashok,
S/o.N.Srinivasan,
No.8/8, SBI Staff Colony,
1st Street, Arumbakkam,
Chennai-600 106.

.. Respondent

(Power of Attorney agent is amended as S.Ashok instead of I.D.Benjamin, vide order of the

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, challenging the order dated 10.11.2009 made in

For Petitioner : Mrs.Padmini Lazarus

For Respondent : Mr.T.V.Vineeth Kumar

O R D E R

This revision has been preferred by the petitioner/tenant under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, challenging the order dated 10.11.2009 made in M.P.No.459 of 2009 in R.C.A.No.61 of 2004 on the file of the Rent Control Appellate Authority / VII Judge, Court of Small Causes, Chennai.

2. It is a glaring example for the abuse of process of law and court by the revision petitioner/tenant, who has not paid the admitted rent for more than fourteen years, in spite of the concurrent findings of the learned Rent Controller in R.C.O.P.No.669 of 2001 and the Rent Control Appellate Authority, by order dated 10.11.2009 passed in M.P.No.459 of 2009 in R.C.A.No.61 of 2004 and also the

conditional order dated 31.08.2012, passed by this Court in M.P.No.1 of 2009 in this Civil Revision Petition.

3. Mrs.Padmini Lazarus, learned counsel for the petitioner is admittedly the wife of the petitioner, R.Lazarus, who is said to be an Assistant Commissioner of Customs as stated by him in M.P.No.1 of 2009. Mrs.Padmini Lazarus, who was examined as R.W.2 on 09.12.2003 in the R.C.O.P, has admitted in her cross-examination, that her husband the petitioner herein is the tenant for the R.C.O.P. premises. However, contrary to her own evidence, given as sworn statement, in the memorandum of grounds relating to the Civil Revision Petition, in paragraph number 8, raised a plea on behalf of the petitioner, that the wife of the petitioner (Mrs.Padmini Lazarus) is the tenant of the said premises. It is contended by the learned counsel for the respondent that the aforesaid total self-contrary plea is a false statement given by the petitioner and his wife, Mrs.Padmini Lazarus, who is also the counsel for the petitioner. Admittedly, neither the petitioner nor his wife has paid any rent for about 14 years to the respondent / landlady, since June 1998 without any justification in spite of the orders passed by the Rent Controller and the Rent Control Appellate Authority. However, the matter is being protracted by the petitioner and his counsel Mrs.Padmini Lazarus against law by raising false defence sending various letters to the Hon'ble Chief Justice with incorrect and false averments, when the matter was pending before various Judges of this Court, including this Court.

4. A conditional order dated 31.08.2012 was passed by this Court in M.P.No.1 of 2009, after hearing both the learned counsel for the petitioner/tenant as well as the respondent/landlady, whereby the petitioner/tenant was directed to pay a sum of Rs.3,50,000/- towards arrears of rent directly to the respondent/landlady or deposit the same to the credit of RCA No.61 of 2004 without prejudice to the claim of both the parties, as the arrears of rent was more than the said amount. As per the findings of the Court below, the petitioner/tenant has not paid the rent, since June, 1998 to till the date of the order for 137 months. Apart from the non-compliance of the conditional order dated 31.08.2012, continuously there was no representation for the petitioner for obvious reason. Hence having considered the arguments already advanced by both the learned counsel Mrs.Padmini Lazarus and Mr.Vineeth Kumar and having perused the entire original records called for from the Court below, this order is passed by this Court on merits.

5. Learned Rent Controller allowed the Rent Control Original Petition in R.C.O.P.No.669 of 2001, that was filed by the respondent/landlady and ordered eviction of the revision petitioner/tenant on the ground of wilful default in payment of rent, under Section 10(2)(1) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (hereinafter referred to as the Act). Aggrieved by which, the petitioner/tenant filed an appeal in RCA No.61 of 2004, wherein, the respondent/landlady filed a petition under Section 11(4) of the Act. The learned Rent Control Appellate Authority, considering the evidence available on record and arguments, held that the petitioner/tenant has not paid the rent, as found by the learned Rent Controller since June 1998 till the date of the order. Accordingly, the petition filed under Section 11(4) of the Act, was allowed in favour of the respondent / landlady and against the petitioner/tenant. The present revision has been preferred by the petitioner/tenant, only against the order, passed by the Rent Control Appellate Authority.

6. Considering the facts and circumstances of the case and also the submissions made by both the learned counsel, this Court by order dated 31.08.2012, directed the petitioner/tenant, to pay a sum of Rs.3,50,000/- towards rent directly to the respondent/landlady or deposit the same to the credit of RCA No.61 of 2004, since the arrears of rent was more than Rs.3,50,000/- and for reporting compliance, the matter was posted to 18.09.2012, considering the submission made by both the learned counsel, the conditional order was passed only to provide an opportunity to the petitioner/tenant. However, the conditional order was not complied with, though Mrs.Padmini Lazarus, counsel for the petitioner has not disputed the fact that the petitioner has not paid any amount towards rent after filing of the R.C.O.P. in the year 2001 till the date of the order 31.08.2012.

7. Learned counsel appearing for the respondent/landlady drew the attention of this Court to the deposition of R.W.2, Mrs.Padmini Lazarus, the wife of the revision petitioner/tenant, wherein she has categorically admitted that her husband/revision petitioner is the tenant of RCOP premises. However, in the grounds of the revision paragraph No.8, the petitioner has stated that Mrs.Padmini Lazarus, wife of the petitioner is the tenant, totally contrary to her evidence. However, neither the petitioner nor his wife Mrs.Padmini Lazarus has paid any rent as concurrently found by the Court below since June, 1998 till date.

8. Since, Mrs.Padmini Lazarus, wife of the petitioner/tenant, who was examined as R.W.2, has admitted that the petitioner herein is the tenant of the premises, the revision petitioner and his wife, the counsel for the petitioner, are estopped from raising a self contradictory plea in the revision stating that Mrs.Padmini Lazarus, wife of the petitioner is the tenant in view of Section 115 of Evidence of Act, 1972. As per Section 115 of the Indian Evidence Act, 1972, when one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing.

9. In the instant case, as Mrs.Padmini Lazarus, has categorically admitted that her husband/revision petitioner herein is the tenant, as R.W.2, the revision petitioner is estopped from raising plea that his wife is the tenant, without filing any supporting document like rental agreement or rental receipt before the Court below and even without paying the rent for more than 14 years. The Miscellaneous Petition in M.P.No.1 of 2009 came up for final hearing before this Court, having perused the case records asked Mrs.Padmini Lazarus, as to how the revision petitioner/tenant would be entitled to extension of stay order, without paying any rent to the respondent/landlady for a number of years.

10. Learned counsel for the petitioner has not disputed the fact that there was no payment of rent by the petitioner, since June 1998, either in the Rent Control Court in the year 2001 or subsequently before the Rent Control Appellate Authority or in this Court. The petitioner/tenant without paying any rent for a number of years and preferring revision would be construed as an abuse of process. However, in order to provide opportunity to the petitioner/tenant and to dispose the revision on merits, this Court directed the petitioner/tenant to pay or deposit a sum of Rs.3,50,000/- towards arrears of rent by granting time till 17.09.2012, since the amount was less than the admitted arrears of rent. Mrs.Padmini Lazarus, the counsel for the petitioner could not raise any legal defence, while

this Court directed the petitioner/tenant to pay arrears of rent. Admittedly, no suit was filed by the petitioner or his wife Mrs.Padmini Lazarus seeking specific performance of any contract and no stay was granted by any Court against the Rent Control proceeding. As the petitioner is only a tenant, it is the duty of the petitioner to pay the admitted rent. However, the conditional order dated 31.08.2012 passed by this Court was not complied with by the petitioner/tenant and the matter was called on 18.09.2012 for reporting compliance, but there was no representation for the petitioner/tenant, either in person or through his counsel for obvious reasons.

11. However, the letter dated 03.04.2012 was addressed by Mrs.Padmini Lazarus, Advocate to the Hon'ble Chief Justice of this Court, seeking an order of discreet enquiry, wherein the petitioner has stated that after filing of the revision petition, he got interim stay in M.P.No.1 of 2009 on 22.01.2010 and that was periodically extended on various dates without payment of rent by the petitioner/tenant. Mrs.Padmini Lazarus has stated in her letter that an M.P.No.1 of 2010 was filed by one unknown Mr.S.Ashok to vacate the stay, that was missing, hence she sought discreet enquiry, by sending the letter by speed post to the Hon'ble Chief Justice of this Court.

12. As contended by the learned counsel appearing for the respondent, the letter addressed to the Hon'ble Chief Justice is an abuse committed by Mrs. Padmini Lazarus, with a view to adopt delay tactics. Had there been any vexatious petition filed by a third party to vacate interim stay granted, being the counsel for the petitioner, she could have raised her plea before the open Court, so as to dismiss such a petition or reject the same if it was unnumbered. However, the vexatious letter dated 03.04.2010 was addressed to the Hon'ble Chief Justice by Mrs.Padmini Lazarus, the counsel seeking discreet enquiry by alleging that one Ashok, a third party filed a petition. Again another letter dated 14.08.2012 was sent by Mrs.Padmini Lazarus, wherein she has asked for vigilance enquiry in respect of the Civil Revision Petition No.4244 of 2009 alleging that many irregularities had happened, that the main typed set of papers was missing. She has further stated to conduct vigilance enquiry and by the letter addressed to the Hon'ble Chief Justice to post the case of CRP.No.4244 of 2009, after completion of vigilance enquiry as if there was an enquiry pending. On verification, it is seen that no such vigilance enquiry or discreet enquiry pending on the letter sent by Mrs.Padmini Lazarus. The learned counsel for the respondent brought to the notice that the averments made in the letter addressed by Mrs.Padmini Lazarus are vexatious and false averments only to protract the proceeding. On verifying the entire original records and the other typed set of papers, it is crystal clear that the letters addressed to the Hon'ble Chief Justice with false averments, in order to protract the proceeding.

13. In the letter addressed by the petitioner's counsel Mrs.Padmini Lazarus on 03.09.2012 to the Hon'ble Chief Justice of this Court, she has stated that the case was partly heard by Hon'ble Mr.Justice G.Rajasuriya, however the typed set and some important documents, relating to the case were found missing in the Court bundle and the Hon'ble Mr.Justice G.Rajasuriya gave a direction to the Registrar to file a report about it and she has further stated that she had informed the Court about the missing of typed set and tampering of many main documents and also filed petition about it, instead the matter is going on posted in the list very frequently and hence, she had given a letter to the Hon'ble Chief Justice and enquiry was also going on. The letter dated 03.09.2012 is subsequent to the conditional order passed by this Court in M.P.No.1 of 2009, directing the

petitioner/tenant to pay or to deposit a sum of Rs.3,50,000/- towards the admitted arrears of rent, without prejudice to the claim of both the parties. But Mrs.Padmini Lazarus, wife and counsel for the petitioner, under-estimating the Authority of the Institution, has given false averments, as if some enquiry was going, on the ground of some records missing from the case bundle. After getting an interim stay without paying any rent for a number of years to the respondent/landlady, the counsel for the petitioner/tenant, has sent letters directly addressing to the Hon'ble Chief Justice of this Court with incorrect and false averments is illegal, which is highly condemnable, as clear abuse of legal process.

14. The jural relationship of landlord and tenant between the respondent and the petitioner is not in dispute, however the petitioner / tenant has not paid the rent for more than 14 years. Hence, the scope of the revision is limited. Even as per the order passed by the learned Rent Control Appellate Authority under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, in paragraph-4, it is categorically stated that neither witnesses were examined nor documents were marked on either side. The Court below has also categorically held that the petitioner has admitted the jural relationship between the respondent and the petitioner. Upholding the findings of the learned Rent Controller, learned Rent Control Appellate Authority, by the impugned order dated 10.11.2009 passed in M.P.No.459 of 2009 holding that the petitioner/tenant has not paid any rent to the respondent/landlady from June 1998 to till the date of the order at the rate of Rs.2000/- p.m. to the tune of Rs.2,54,000/-. Neither the petitioner nor his wife Mrs.Padmini Lazarus has not even pleaded that any amount was paid by the petitioner/tenant before the learned Rent Controller or learned Rent Control Appellate Authority or this Court. Even after the filing of the RCOP in the year 2001, no amount was paid by the petitioner/tenant towards rent.

15. Only based on the pleadings and the evidence available on record, the Court below directed the petitioner/tenant to deposit the rent under section 11(4) of the Act, but that was not complied with by the petitioner/tenant. The entire records have been called for from the Court below, in view of the averments made by Mrs.Padmini Lazarus in her letter. On perusal of the original records called for from the Court below, it is crystal clear that there is no possibility for missing of any document in the revision either before the Court below or in this Court. However, the learned counsel Mrs. Padmini Lazarus has given a statement as follows:

"I have informed the Court about the missing of type set and tampering of may main document, I also filed a petition about it. But it is not considered but instead the matter was posted in the list very frequently. I have given a complaint letter to Hon'ble Chief Judge, also and enquiry also going on."

As contended by the learned counsel for the respondent, it is an utter false averments made in the letter. Similarly, in the previous paragraph, she has stated that in this circumstance, many papers have been tampered by applying whitener and also main documents are missing in the court bundle. As there was no document marked in the Miscellaneous Petition in M.P.No.459 of 2009 relating to this revision, there could be no possibility of missing of documents. Mrs.Padmini Lazarus has stated in her letter Ex.C3, as follows:

"This case was partly head by Hon'ble Justice M.Rajasuriya previously and as the type set and some important documents those are all very related to the above case and which I have submitted are found missing in the court bundle. Hon'ble Justice M.Rajasuriya gave direction to the registry to give a report about it. It is still missing."

As there was no document marked in M.P.No.459 of 2009 relating to the Revision Petition, she cannot allege in her letter that some important documents were missing, even without specifying the details of such documents. Mrs.Padmini Lazarus, learned counsel for the petitioner cannot say that some important documents which are very relevant to the case have found missing, without specifying any details about the document, when there was no document marked, even as per the impugned order. The three letters addressed by Mrs.Padmini Lazarus show that it is a clear abuse of process of law and Court, in order to protract the Revision and further addressing letters directly to the Hon'ble Chief Justice of this Court with incorrect and false averments is nothing but under-estimating the Authority of the Hon'ble High Court.

16. This Court for the sake of convenience and reference has marked the letters sent by Mrs.Padmini Lazarus to the Hon'ble Chief Justice on 03.04.2010, 14.08.2012 and 03.09.2012 as Ex.C1, Ex.C2 and Ex.C.3. The learned counsel has not disputed the factum that the letters were addressed by her and in fact, she had sought adjournment based on the letters.

17. Mrs. Padmini Lazarus, counsel for the revision petitioner has stated in her letter, dated 03.09.2012, Ex.C3, that some important documents relating to the revision were missing and she gave a complaint before the Hon'ble Mr.Justice G.Rajasuriya, when the matter was pending before His Lordship in the un-numbered paragraph number 3 of the letter and she has further stated that there is tampering of main document, however, the matter is frequently being posted by this Court. On verifying the original order passed by the Court below, it is seen that there is no document marked in M.P.No.459 of 2009. Admittedly, the revision has been preferred against the order passed in M.P.No.459 of 2009. When there was no document marked in the miscellaneous petition and also in the revision, stating about missing of main document is only incorrect and false statement. She has also stated that enquiry is going on, though no such enquiry is going, on the frivolous letter containing false averments directly sent in the mischievous manner to the Hon'ble Chief Justice, of this Court. Therefore, the averments made in the letter, Ex.C1 dated 03.04.2010 that there was discreet enquiry and the letter Ex.C2, dated, 14.08.2012, stating vigilance enquiry and in the other letter, Ex.C3, dated 03.09.2012, directly addressed to the Hon'ble Chief Justice, are utterly false statements. As contended by the learned counsel for the respondent, it is clear that it is a futile attempt in the nature of black-mailing the Court by making false averments.

18. Mrs.Padmini Lazarus has not disputed that all these letters were addressed by her and the letters marked as Ex.C.2 and Ex.C.3 are admittedly in her letter head. In the aforesaid circumstances, she is liable for the incorrect and false statement furnished to this Court, by way of addressing the Hon'ble Chief Justice of this Court. This Court could also infer, as contended by the learned counsel for the respondent that the petitioner/tenant is no way aggrieved by the alleged petition filed by a third party, one Ashok, seeking an order to vacate the interim stay granted in favour of the revision

petitioner. However, Mrs.Padmini Lazarus had sent the letters to the Hon'ble Chief Justice, directly as if there was some legal grievance to the petitioner/tenant, only to protract the proceeding, which is a clear abuse of process of law and Court. In the aforesaid circumstances, this Court cannot ignore the submission of the learned counsel for the respondent that wantonly some mischief could have been done only to protract the proceeding with an unreasonable plea.

19. Learned counsel for the respondent submitted that no third party by name Ashok could have filed a petition seeking an order to vacate the interim stay granted in favour of the petitioner/tenant. Even if there was any such petition, as alleged in the letters that would not create any legal grievance for the petitioner/tenant, to raise a hue and cry to address letters to the Hon'ble Chief Justice, without reporting the same in writing to the concerned Court. Having considered the arguments advanced by the learned counsel for the respondent, it could be the normal inference that the letters were sent with false averments, only to protract the proceedings and that there is no need to conduct discreet enquiry or vigilance enquiry, as alleged by Mrs.Padmini Lazarus, counsel for the petitioner in the letters.

20. The Full Bench of the Hon'ble Supreme Court in the case of Gowri Shankar vs. Joshi Amba Shankar Family Trust, 1996(3) SCC 310, has taken a serious view against committing fraud upon the Court, by relying on the earlier decision of the Hon'ble Apex Court in S.P.Chengalvaraya Naidu vs.Jagannath, 1994 (1) SCC 1, para 17 reads as under:

"17.For the foregoing discussion it must be held that the trustees obtained the permission to sell the property to the purchasers practising fraud upon the court and in view of the following observation of this Court in S.P.Chengalvaraya Naidu v. Jagannath :(SCC p.2 para 1) "It is the settled proposition of law that a judgment or decree obtained by playing fraud on the court is a nullity and non est in the eyes of law. Such a judgment / decree by the first court or by the highest court has to be treated as a nullity by every court, whether superior or inferior. It can be challenged in any court even in collateral proceedings"

21. The Hon'ble Supreme Court in the case of M.C.Mehta vs. Union of India and others, (2003) 5 SCC 376 has held that filing affidavit /statement with false averments would attract Section 2 (c) of the Contempt of Courts Act,1971 and an apology is not a weapon of defence to purge the guilt of the contemner under Section 12(1) proviso of Contempt of Courts Act,1971 and accordingly ruled as follows:

"25... We are, therefore, convinced to send strong signal by imposing exemplary punishment so that like-minded people would not repeat and such recurrence is thwarted. Keeping this background in mind, we are of the view, that the ends of justice would be served, if the contemner is sentenced to one week simple imprisonment. We order accordingly. In addition, he is saddled with costs, which we quantify at Rs.One lakh. The costs shall be deposited in the Registry of this Court within two weeks from today and on the costs being deposited, the Registry shall pay 50 per cent to the Delhi Pollution Control Committee and 50 percent to Mr.Ranjit

Kumar, Amicus Curiae, who assisted the Court."

As per the decision cited, the contemner was sentenced to undergo one week simple imprisonment in addition to pay costs of Rs.1 lakh to be deposited to the Registry of the Court. It has been made clear that filing false affidavit or false statement before the Court is subject to penal action and also for initiating proceeding under the Contempt of Courts Act, 1971.

22. In *M.S.Ahlawat vs. State of Haryana*, reported in (2000) 1 SCC 278, Full Bench of the Hon'ble Supreme Court, referring *Chajoo Ram vs. Radhey Shyam* reported in (1971) 1 SCC 774, Supreme Court Bar Assn., v. Union of India, (1998) 4 SCC 409 and *Mohan Singh vs. Amar Singh*, (1998) 6 SCC 686 has ruled that provisions of Section 195 of the Code of Criminal Procedure are mandatory and further held that though no court has jurisdiction to take cognizance of any of the offences mentioned therein, a complaint in writing as required under that section be sent to the Criminal Court having jurisdiction, since it is a settled law that every incorrect or false statement does not make it incumbent upon the court to order prosecution, but requires the court to exercise judicial discretion to order prosecution only in the larger interest of the administration of justice. Therefore, it has been made clear by the Hon'ble Apex Court that when there is incorrect or false statement, the Court has to follow the procedure laid down under Sections 195 and 340 of Cr.P.C. In order to take appropriate criminal action against the person, who committed the illegal act of furnishing false statement to Court.

23. As per sub-section 1 of Section 340 of the Code of Criminal Procedure, the Court is of opinion that it is expedient in the interest of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of Section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any as it thinks necessary -

- (a) record a finding to that effect;
- (b) make a complaint thereof in writing;
- (c) send it to a Magistrate having jurisdiction;
- (d) take sufficient security for the appearance of the accused before such Magistrate, or if the alleged offence is non-bailable and Court thinks it necessary so to do, send the accused in custody to such Magistrate; and
- (e) bind over any person to appear and give evidence before such Magistrate.

24. In *Chajoo Ram vs. Radhey Shyam* reported in (1971) 1 SCC 774, the Hon'ble Supreme Court held that when the offence relates to a Court under Section 195 Cr.P.C, sanction of the Court should be obtained first and such sanction should be granted in those cases where the prejury appears to be deliberate and conscious and the conviction is reasonably probable or likely and to start prosecution

for perjury too readily and too frequently without due care and caution and on inconclusive and doubtful material defeats its very end.

25. It is crystal clear that the revision petitioner herein is the tenant of the RCOP premises and he has preferred this revision against the order passed by the learned Rent Control Appellate Authority under Section 11 (4) of the Act. As per the findings of the Court below, the petitioner / tenant has not paid rent since June 1998 till date for more than 14 years. The revision petitioner/tenant has not disputed the fact that he has not paid the rent after filing the RCOP in the year 2001.

26. In the aforesaid circumstances, the revision petitioner/tenant being a defaulter in paying the rent for so many years has no locus standi to maintain the revision against the impugned order passed under Section 11(4) of the Rent Control Act. This Court passed the conditional order, dated 31.08.2012 only to provide an opportunity to the revision petitioner, however, the same was also abused by the revision petitioner as discussed in this order.

27. It has been ruled by the Hon'ble Supreme Court in various decisions, even the decree obtained fraudulently is nullity. In the instant case, it is unfortunate that a tenant who has not paid rent for more than 14 years, even after the eviction order passed by the learned Rent Controller and the order passed by the learned Rent Control Appellate Authority under Section 11(4) of the Act and also the conditional order passed by this court, is resorting to various illegal methods of sending letters by registered post directly to the Hon'ble Chief Justice with false averments. No person is entitled to adopt abuse of process of law and the court, by illegal methods by sending letters with false averments.

28. Mr.Vineeth Kumar, learned counsel appearing for the respondent submitted that when the matter was pending before the Hon'ble Mr.Justice V.Periyakarupiah, the same counsel, who sent the letters Exs.C1 to C3, had raised allegations against the Court staff in order to protract the proceedings and subsequently, when the matter was pending before the Hon'ble Mr.Justice G.Rajasuriya, in order to humiliate the Judge and protract the proceeding, raised her voice unreasonably, hence, the matter was adjourned to a longer date and at present without complying with the conditional order, dated 31.08.2012, she has directly addressed the letter on 03.09.2012 to the Hon'ble Chief Justice with false averments. As the counsel for the petitioner has stated that the typed set was missing, a copy of the typed set was furnished and this Court also called for the originals from the Court below, to verify the genuineness of the claim of the petitioner/tenant. On verification of the entire original records and the letters sent by Mrs.Padmini Lazarus, marked as Exs.C1 to C3, this Court is of the view that it is a fit case to refer the same as per Section 195 Cr.P.C to initiate criminal prosecution for furnishing incorrect and false statement to this Court and also to refer the matter to the Tamil Nadu Bar Council for taking disciplinary action against Mrs.Padmini Lazarus for abusing the process, by way of sending unreasonable letters with incorrect and false statements. However, this Court, with a good intention that Mrs.Padmini Lazarus would realise the nobility of the legal profession and her responsibility that she is an officer of the Court, be truthful to the Court and trustworthy to the profession, action under Section 195 Cr.P.C as per procedure contemplated under Section 340 Cr.P.C. is not initiated. Similarly, it is not referred to the Tamil Nadu Bar Council, for taking disciplinary action against Mrs.Padmini Lazarus.

29. Holding a considered view that the revision preferred by the petitioner/tenant is not legally sustainable and the same is an abuse of process of law and Court, the Civil Revision Petition is dismissed with cost of Rs.50,000/- (Rupees fifty thousand) out of which, Rs.25,000/- shall be paid to the respondent/landlady and the balance sum of Rs.25,000/- shall be paid towards the Chief Justice Relief Fund, High Court of Madras within a period of four weeks from the date of receipt of a copy of this order.

The interim stay granted in M.P.No.1 of 2009 is vacated, in view of the non-compliance of the conditional order dated 31.08.2012. The Court below is directed to pass suitable orders forthwith, without causing delay according to law, to meet the ends of justice, directing the petitioner / tenant to vacate and hand over the possession of the premises to the respondent / landlady.

As per the impugned order dated 10.11.2009, the Court below / Rent Control Appellate Authority has held that the petitioner/tenant has to pay rental arrears from June 1998 to October 2009 for 137 months, at the rate of Rs.2000/- per month, a total sum of Rs.2,74,000/-. Even for the subsequent period, the petitioner/tenant has not paid any rent for about 34 months. It is made clear that the respondent / landlady is entitled to recover the said arrears of rent from the petitioner.

It is seen that the RCOP premises is in Anna Nagar, a parsh locality in chennai. The amount paid in the year 1998 towards rent at the rate of Rs.2,000/- p.m. is only a meagre amount, hence, the respondent/landlady is entitled to get appropriate orders towards arrears of rent or fixation of fair rent in accordance with law. Consequently, connected miscellaneous petition is closed.

Keeping in view of the matter and the unreasonable plea of the petitioner, it is directed that the Registrar General of this Court shall give direction to all the officials dealing with the case bundles not to hand over for perusal, without adopting safety measures of taking away any papers from the case bundle. The same may be instructed, after getting appropriate administrative orders from My Lord, The Hon'ble Chief Justice.

26.09.2012

Index : Yes

Internet : Yes

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To

1. The Rent Control Appellate Authority /
VII Judge, Court of Small Causes, Chennai.

2. The Rent Controller / XVI Judge
Court of Small Causes, Chennai.

S.TAMILVANAN, J

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26.09.2012