

(1951) 02 MAD CK 0015

In the Madras High Court

Case No : Civil Miscellaneous Petition No. 4564 of 1950

K. Murugappa Chettiar

APPELLANT

Vs

C. Balasundaram Chetty and Another

RESPONDENT

Date of Decision : 22-02-1951

Acts Referred:

Madras Buildings (Lease and Rent Control) Act, 1946 — Section 7

Citation : AIR 1952 Mad 173 : (1951) 64 LW 397 : (1951) 1 MLJ 513

Hon'ble Judges : Rajamannar, C.J.;Somasundaram, J

Bench : Division Bench

Advocate : V. Srinivasan, for the Appellant; A. Narasimhachari and K.S. Narayana Aiyar, for the Respondent

Final Decision : Dismissed

Judgement

1. There is no error of law apparent on the face of the order of the Appellate Tribunal, which directed eviction of the petitioner for default in

payment of rent. The rent was payable daily and admittedly the petitioner did not pay or tender any rent after 29th August 1949. As the rent was

payable daily, the default would occur u/s 7 of the Madras Buildings (Lease and Rent Control) Act, 1946, after the lapse of 15 days in respect of

every day's rent. The only point pressed on us by petitioner's learned Counsel, is that, there was another application for fixation of fair rent and

according to the rent fixed in that application, the landlord would have with him sufficient money to discharge the arrears relating to the period of

the alleged default. That may be so. But that does not save the tenant from the consequence of the admitted default he has made. It is one thing to

say that the tenant has a right to have the excess amount, on the basis of the fair rent, adjusted towards the arrears; it is an other thing to say that he

can escape the consequences of not tendering or paying the rent on or before the date allowed u/s 7 of the Act. This petition is dismissed with costs.