
(1998) 08 MAD CK 0050

In the Madras High Court

Case No : C.R.P. No. 2222 of 1998 and C.M.P. No. 11169 of 1998

R.V.K. Rajaramanathan

APPELLANT

Vs

R. Saranathan

RESPONDENT

Date of Decision : 17-08-1998

Acts Referred:

Pondicherry Buildings (Lease and Rent Control) Act, 1969 — Section 10(3), 7

Citation : (1999) 1 CTC 526

Hon'ble Judges : K. Govindarajan, J

Bench : Single Bench

Advocate : Mr. K. Yamunan, for the Appellant; Mr. T. Susindran, for the Respondent

Judgement

K. Govindarajan, J.

1. The respondent filed a petition u/s 10(3)(a)(iii) of the Pondicherry Buildings (Lease and Rent Control) Act, 1969 seeking to evict the petitioner

on the ground that the said building is needed for doing business.

2. According to the respondent, he is doing business along with his mother as his mother is having licence to run rice retail shop business.

Admittedly, the said business had been carried on in a rented premises.

3. The learned counsel appearing for the petitioner submitted, according to the definition of Section 7(a) of the Act, the members of the family

means only his spouse and dependent children and mother cannot be included in the said definition. On that basis, the learned counsel has

submitted that for mother's business, the petitioner cannot ask for the said premises, which is not permitted under the Act. The learned counsel

further submitted that such definition cannot be extended to bring those persons other than the person mentioned in the said definition and the

mother is not included in the said definition at all.

4. I am not able to agree with any one of his contentions. It is not in dispute that the rice retail shop business has been carried on by the petitioner

in the rented premises, though the licence is in the name of his mother. Section 2 of the Act reads that unless the context otherwise requires, the

definition has to be read as such. In this case, the mother is a dependent person to the respondent. It cannot be said that the mother is not a

member of the family. In view of the above, the order of the appellate authority allowing the eviction petition cannot be said to be erroneous.

Moreover, the evidence is available to show that the son is practically carrying on the business. So I do not find any merits in the civil revision

petition.

5. The learned counsel appearing for the petitioner submitted that the tenant may be granted some time to vacate the premises. The learned counsel

appearing for the respondent has no objection. Hence, the tenant is granted six months time to vacate the premises on condition that he should file

an affidavit on or before 28.8.98 undertaking that he would vacate the premises and hand over possession within the stipulated time without driving

the respondent/landlord to the court again, failing which, the order of eviction will come into force immediately.

6. With the above observations, the Civil Revision Petition is dismissed. No costs. Consequently, the Civil Miscellaneous Petition is closed.