

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(NPD)Nos.3817 & 4231 of 2015 &

M.P.Nos.1 & 1 of 2015

1.M/s.Numero Uno Tyres & Services
Rep. By its Partner
K.G. Anand

2.G.Vijayalakshmi

3.K.G.Anand

... Petitioners in both CRPs

v.

1.R.PRema
2.VaNiraja
3.Sudha Gangaprasad
4.Jyothi Lakshminarayanan

... Respondents in both CRPs

Civil Revision Petition No.3817 of 2015 filed under Article 227 of the Constitution of India, to set aside the order dated 29.04.2015 made in R.C.A.No.180 of 2014 on the file of the IX Judge, Court of Small Causes (Appellate Authority), Chennai, confirming the order and decretal order made in R.C.O.P.No.1458 of 2010, dated 28.01.2014 passed by the XIV Judge, Court of Small Causes, Chennai (Rent Controller) and dismiss the petition.

Civil Revision Petition No.4231 of 2015 filed under Article 227 of the Constitution of India, to set aside the order dated 25.01.2015 made in R.C.A.No.149 of 2012 on the file of the VII Judge, Court of Small causes (Appellate Authority), Chennai, confirming the order and decretal order made in R.C.O.P.No.44 of 2010, dated 31.01.2012 passed by the XIV Judge, Court of Small Causes, Chennai (Rent Controller) and fix the fair rent in accordance with law.

For Petitioners : Mr. R.Thiagarajan

For Respondents : Mr. K.Ramu

COMMON ORDER

Civil Revision Petition No.3817 of 2015 has been filed by the tenants challenging the order of eviction.

2. Civil Revision Petition No.4231 of 2015 has been filed by the tenants challenging the fixation of fair rent.

3. Admittedly, the contractual rent for the premises which were leased out to the revision petitioners for non residential purposes was Rs.23,000/- per month. The Rent Control Appellate Authority fixed the fair rent at Rs.62,187/- from the date of filing of the Rent Control Original Petition. Admittedly, the Rent Control Original Petition was filed in January 2010.

4. When the matters are taken up for hearing today, on instructions from one of the petitioner, who was also present in the court, Mr. R.Thiagarajan, learned counsel appearing for the petitioners submitted that the tenants are agreeing to vacate the premises on or before 31.01.2015 and also willing to file an affidavit of undertaking before this court to that effect.

5. So far as, fixation of fair rent is concerned, the learned counsel for the petitioners submitted that the tenants are willing to pay a total sum of Rs.6,00,000/- to the respondents-landlords towards arrears of fair rent from January 2010 to October 2015. The learned counsel further submitted that the tenants would make the payment of Rs.4,50,000/- now after deducting a sum of Rs.1,50,000/- which was paid by them as advance to the respondents-landlords, at the time of entering into the lease. The said sum of Rs.6,00,000/- shall be paid by the tenants towards full and final settlement of the arrears of fair rent payable by them from January 2010 to October 2015.

6. Mr.K.Ramu, learned counsel appearing for the respondents also agreed for the proposals made by the learned counsel appearing for the petitioners.

7. Mr. R.Thiagarajan, learned counsel appearing for the petitioners submitted that the tenants are willing to make the payment of Rs.4,50,000/- to the respondents-landlords on or before 31.01.2016. The learned counsel for the petitioners also submitted that the tenants are agreeing to pay the enhanced rent of Rs.33,000/- from 01.11.2015 to till they vacate the premises.

8. Having regard to the submissions made by the learned counsel on either side, in Civil Revision Petition No.4231 of 2015, the judgment and decree passed in R.C.A.No.149 of 2012 on the file of the VII Judge, Court of Small causes (Appellate Authority), Chennai, is modified as stated above.

9. In so far as Civil Revision Petition No.3817 of 2015 is concerned, the order passed in R.C.A.No.180 of 2015 on the file of the IX Judge, Court of Small Causes (Appellate Authority), Chennai, is confirmed.

10. The petitioners-tenants are granted time till 31.01.2016 to vacate and hand over vacant possession of the premises to the respondents-landlords without driving them to initiate execution proceeding. The petitioners shall file an affidavit of undertaking on or before 23.11.2015 before the Registry and the same shall form part of the record. The petitioners-tenants are directed to pay future monthly rent to the

respondents from 01.11.2015 to till the date of vacating the premises at the rate of Rs.33,000/- per month excluding the power consumption charges.

With these observations, Civil Revision Petition No.4231 of 2015 is partly allowed and the Civil Revision Petition No.3817 of 2015 is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

19.11.2015

Index : No

Note : Issue copy of the
order by 20.11.2015

Rj

To

1. IX Judge,
Court of Small Causes
Appellate Authority
Chennai,
2. VII Judge,
Court of Small causes
Appellate Authority
Chennai
3. XIV Judge,
Court of Small causes
Rent Controller
Chennai

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At the instance of the learned counsel appearing for the petitioners, the matter has been listed under the caption for "Being Mentioned".

2. Mr. R.Thiagarajan, learned counsel appearing for the petitioners submitted that by order dated 19.11.2015, this court, while dismissing the C.R.P.(NPD)No.3817 of 2015, granted time till 31.01.2016 to the petitioners-tenants to vacate and hand over vacant possession of the premises to the respondents-landlords, based on the submissions made by him. Now, the learned counsel submitted that in view of the recent development, the petitioners-tenants require time till 31.03.2016 to vacate and hand over vacant possession of the premises.

3. Mr.K.Ramu, learned counsel appearing for the respondents-landlords also agreed that time may be granted till 31.03.2016.

4. Having regard to the submissions made by the learned counsel on either side, the petitioners-tenants are granted time till 31.03.2016 to vacate and hand over vacant possession of the premises to the

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respondents-landlords without driving them to initiate execution proceeding. The petitioners-tenants shall file an affidavit of undertaking to that effect on or before 27.11.2015 before the Registry and the same shall form part of the record. As already stated, the petitioners-tenants are directed to pay future monthly rent to the respondents from 01.11.2015 to till the date of vacating the premises at the rate of Rs.33,000/- per month excluding the power consumption charges. So far as the arrears of Rs.4,50,000/- is concerned, the petitioners-tenants are directed to pay the said amount on or before 28.02.2016. In all other aspects, the order of the court dated 19.11.2015 shall remain unaltered.

5. The Registry is directed to issue fresh copy of the order to both the parties.

25.11.2015

Rj

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