

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

**C.R.P.(NPD).No.1869 of 2014
and M.P.No.1 of 2015**

J.N.M.Systems and Services (P) Ltd.,
No.59/A, Montieth Road,
Egmore, Chennai - 600 008.

... Petitioner

Vs.

Asha H.Dave

... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18 of 1970 amended by Act 23 of 1973 against the judgment and decree dated 06.03.2013 made in R.C.A.No.1141 of 2005 on the file of the VIII Judge, Court of Small Causes, Chennai modifying the order and decree passed in R.C.O.P.No.1586 of 2004 dated 31.08.2005 on the file of the X Court of Small Causes, Chennai.

For Petitioner : Mr.P.B.Balaji

For Respondent : Mr.P.C.Harikumar & Associates

ORDER

Challenging the judgment and decree passed in R.C.A.No.1141 of 2005 on the file of the VIII Judge, Court of Small Causes, Chennai, modifying the fixation of fair rent in R.C.O.P.No.1586 of 2004 on the file of the Rent

Controller/X Judge, Court of Small Cause, Chennai, the tenant has filed the above Civil Revision Petition.

2.It is not in dispute that the petitioner is a tenant in respect of the petition premises paying a monthly rent of Rs.3,744/- to the respondent. The premises was leased out for commercial purpose. According to the respondent/landlady, the value of the land is more than Rs.70,00,000/- and the age of the building is 18 years. The landlady has filed R.C.O.P.No.1586 of 2004 for fixation of fair rent of Rs.37,908/- per month. The tenant filed their counter disputing the averments stated in the petition.

3.Before the Rent Controller, on the side of the landlady, two witnesses were examined and two documents were marked. On the side of the tenant, two witnesses were examined and four documents were marked.

4.The Rent Controller, taking into consideration the oral and documentary evidences, fixed the value of the land at Rs.7,00,775/- and fixed the value of super-structure at Rs.5,30,435/- and fixed the fair rent at Rs.12,928/-. Aggrieved over the fixation of fair rent, the tenant preferred an appeal in R.C.A.No.1141 of 2005 and the landlady preferred an appeal in

R.C.A.No.1110 of 2006 on the file of the VIII Judge, Court of Small Causes, Chennai.

5.The Rent Control Appellate Authority, after taking into consideration the case of both parties, enhanced the value of land to Rs.7,83,917/- and fixed the fair rent at Rs.13,801/-. So far as the appeal preferred by the tenant is concerned, the same was dismissed by the Rent Control Appellate Authority.

6.While enhancing the value of the land to Rs.7,83,917/-, the Rent Control Appellate Authority took into consideration the location of the premises and fixed the market price of the land at Rs.50,00,000/-. Since the premises is situated near the Egmore Railway Station and Police Commissioner's Office, the fair rent fixed by the Rent Control Appellate Authority is just and proper.

7.In these circumstances, the fixation of fair rent by the Rent Control Appellate Authority is liable to confirmed. Accordingly, the same is confirmed. The Civil Revision Petition is dismissed.

8.The petitioner/tenant are granted six weeks time for paying the arrears of fair rent from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

21.01.2016

Note: Issue order copy on 25.01.2016.

To

1.The VIII Judge,
Court of Small Causes,
Chennai.

2.The X Judge,
Court of Small Causes,
Chennai.

M.DURAIWAMY,J.
va

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