

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 26TH DAY OF JULY 2016

THE HON'BLE MR.JUSTICE M.JAICHANDREN

A.No.7963 of 2015

in

C.S. No.274 of 1899

In the matter of the Estate of
Maligai Merchant Charities

1. Santhana Chetty Samy Chetty (since deceased)
 2. Theetha Chetty Soori Chetty, (Since deceased)
 3. S.C. Alaganatha Chetty (Since deceased)
- ...Plaintiffs

Vs.

1. Sivagamoo Ammal,
 2. M.Manicka Chetty minor
by his guardian ad litem
A. Viswanatha Chetty and another
- ...Defendants.

A.No.7963 of 2015:-

Siraj Bharmal
Son of Taher Bharmal
Residing at No.51, Nainiappan Street,
Third Floor, Chennai - 600 001. ...Applicant/3rd party

-Vs.-

The Official Trustee of tamilnadu
High Court, Chennai - 600 104. ... Respondent/Respondent

Application praying that this Hon'ble Court be pleased to
direct transfer of tenancy of the non-residential portion in the
ground floor of the premises bearing door No.170, Pycrofts Road,
Chennai - 600 005 from the name of Taher Bharmal to the

applicant.

This Application coming on this day before this court for hearing the court made the following order:

This application has been filed seeking a direction to the respondent to transfer the tenancy of the non residential portion in the ground floor of the premises, bearing Door No.170, Pycrofts road, Chennai, to the applicant.

2. The applicant had filed an affidavit in support of the application, wherein, it is stated that the father of the applicant had been carrying on business in the premises, bearing Door No.170, Pycrofts Road, Chennai, which forms part of the estate of Maligai Merchant of Madras Charities, administered by the Official Trustee, on payment of a monthly rent of Rs.1,250/-. It had been further stated that the father of the applicant had died, on the 31st of May, 2008. Further, the applicant had sent a letter to the respondent, seeking transfer of the tenancy in his favour as he is paying the monthly rents, for the premises, to the respondent. The applicant is carrying on business under the name and style of 'Best Foam Centre' in the said premises. On verification, the applicant had found that there was no acknowledgment from the respondent for the letter sent by him, requesting for the transfer of tenancy. The

applicant, hereafter, had made a request to the respondent, on

15.10.2014, requesting for the transfer of tenancy, as he was

the legal heir of the deceased tenant, for which he was advised to file necessary application before the court.

3. Heard the learned Official Trustee of Tamilnadu. Perused the report submitted by the Official Trustee. In the said report, it has been stated that the condition precedent for the transfer of tenancy is the submission of Death Certificate, Legal Heir Certificate and consent affidavits from the other legal heirs, if any. Further, it has been stated that the monthly rent for the property, bearing Door No.170, Pycrofts Road, Chennai, having an extent of 180 square feet, had been fixed at Rs.1250/- during the year, 1998, and the same has to be enhanced.

4. It is noted that the applicant is running the business in the premises, bearing Door No.170, Pycrofts Road, Chennai, having an extent of 180 square feet and he had been paying the rent at Rs.1250/-. The applicant had filed the death certificate and the legal heir certificate before this court. He had also filed affidavits of the other legal heirs, who had given no objection for the transfer of tenancy in the name of the applicant.

5. In view of the same, this court is inclined to direct the respondent to transfer the tenancy of the non-residential portion, in the ground floor of the premises, bearing Door

No.170, Pycrofts Road, Chennai, in favour of the applicant. The Official Trustee is at liberty to take appropriate steps for the enhancement of rent. The application is ordered accordingly.

Sd/ M.J.J

26.07.2016

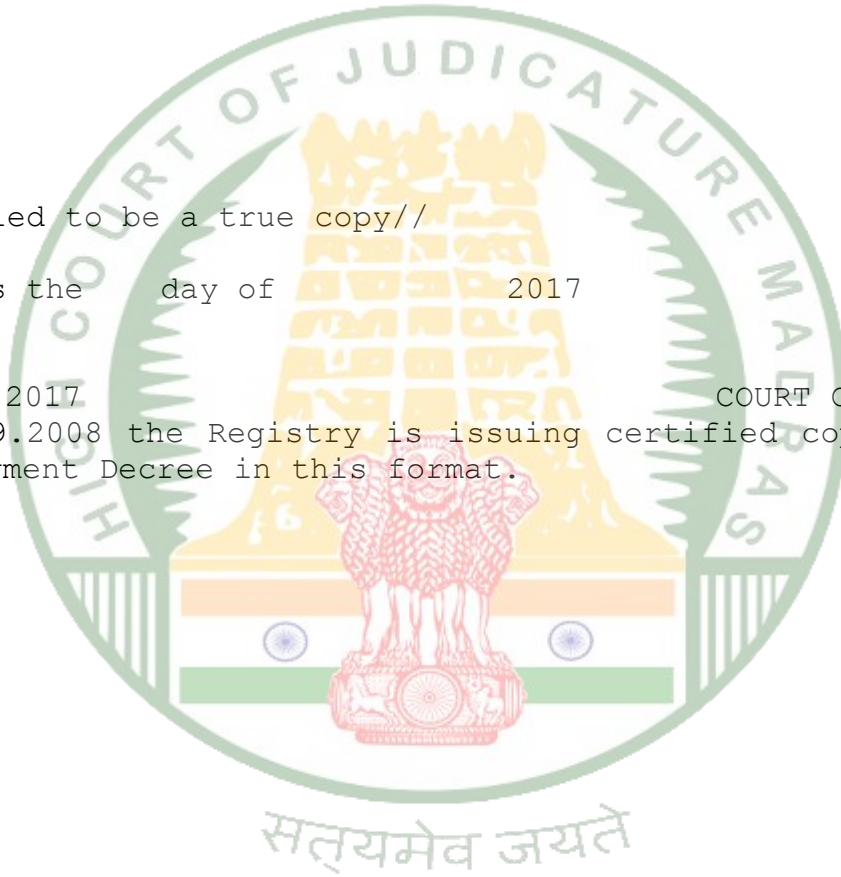
//Certified to be a true copy//

Dated this the day of 2017

R.s/25.02.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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