

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(NPD).No.2899 of 2015 &
M.P.No.1 of 2015

A.Ranganathan

... Petitioner

v.

M.Dharani

... Respondent

Civil Revision Petition filed under section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 to set aside the fair and decreetal order dated 03.07.2015 passed in I.A.No.57 of 2013 in RCA No.14 of 2013 on the file of the Subordinate Judge, Tambaram.

For Petitioners : Mr.V.V.Sriram

For Respondent : Mr.V.P.Rajendran

ORDER

Challenging the fair and final order passed in I.A.No.57 of 2013 in R.C.A. No.14 of 2013 on the file of Subordinate Court, Tambaram, the tenant has filed the above Civil Revision Petition.

2. The respondent-landlord filed the Original petition in R.C.O.P.No.103 of 2010 on the file of District Munsif Court, Alandur, for fixation of far rent.

3. After contest, the Rent Controller fixed the fair rent at Rs.17,280/-.

4. Aggrieved over the same, the tenant preferred an appeal in R.C.A. No.14 of 2013 along with an application in I.A.No.57 of 2013 seeking for interim stay. The Appellate Authority granted an order of interim stay on condition that the tenant depositing 50% of the fair rent.

5. Aggrieved over the conditional order passed by the Appellate Authority, the tenant has filed the above Civil Revision Petition.

6. The Civil Revision Petition came up for admission on 21.07.2016. This court, while ordering notice of motion granted an order of interim stay on condition that the petitioner depositing a sum of Rs.1,50,000/- to the credit of R.C.A. No.14 of 2013 on the file of Subordinate Court, Tambaram.

7. Mr.V.V.Sriram, learned counsel appearing for the petitioner submitted that the petitioner had complied with the conditional order by depositing a sum of Rs.1,50,000/- to the credit of I.A.No.57 of 2013 in R.C.A. No.14 of 2013 on 18.8.2015.

8. Mr.V.P.Rajendran, learned counsel appearing for the respondent-landlord submitted that the Rent Control Appellate Authority may be directed to dispose of the appeal within a stipulated time and the respondent-landlord may be permitted to withdraw the amount deposited by the tenant to the credit of I.A.No.57 of 2013 in R.C.A. No.14 of 2013.

9. In view of the submissions made by the learned counsel on either side, the order passed by the Rent Control Appellate Authority Sub court, Tambaram is modified by granting an order of interim stay on condition that the petitioner depositing a sum of Rs.1,50,000/-. Since the petitioner-tenant had already deposited a sum of Rs.1,50,000/-, the interim stay granted by the Rent Control Appellate Authority shall continue till the disposal of the appeal. The respondent-landlord is permitted to withdraw the said sum of Rs.1,50,000/- deposited by the tenant to the credit of I.A.No.57 of 2013 in R.C.A. No.14 of 2013. Since the Rent Control Appeal is pending from 2013, I direct the

Subordinate Court, Tambaram to dispose of the appeal in R.C.A. No.14 of 2013, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

With these observations, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

06.07.2016

Rj

To

The Subordinate Court,
Tambaram.

M.DURAISWAMY,J.

Rj

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