

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.09.2016

CORAM

THE HON'BLE MR. JUSTICE T.MATHIVANAN

C.R.P (NPD) No.2251 of 2013

1.M/s.M.S.K.Answer
Rep. By Partner A.Eqbal
2.A.Tajudeen
3.A.Salha Basha
4.A.Ghouse Basha
5.A.Shabudeen

... Petitioners

Vs.

C.Narasimha Swamy

... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18/1960 as amended by Act 23/1973 and Act 1 of 1980 against the judgment and decree dated 10.01.2011 passed in R.C.A.No.114 of 2005 on the file of the learned Rent Control Appellate Authority, (VIII Court of Small Causes, Chennai) confirming the order dated 21.12.2004 and made in R.C.O.P.No.1857 of 2003 on the file of the learned Rent Controller (XVI Court of Small Causes), Chennai

For Petitioners : M/s.N.Gomathi
for Mr.K.P.Ashok

For Respondent : Mr.R.Madanagopal

ORDER

Having been aggrieved by the judgment and decree dated 10.01.2011 and made in the appeal in R.C.A.No.114 of 2005 on the file of the Rent Control Appellate Authority (VIII Court of Small Causes), Chennai, this revision is filed by the petitioners

2. It is manifested from the records that the respondent had originally filed a petition in R.C.O.P.No.1857 of 2003 under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control), Act, 1960 to fix the fair rent for the petition mentioned premises as Rs.6,100/- per month from the date of petition. This petition was resisted by the revision petitioners/tenants by filing their counter statement. After hearing both sides, the learned Rent Controller had proceeded to allow the petition on 21.12.2004 and thereby fixed the fair rent at Rs.4,273/- per month from the date of petition.

3. Challenging the correctness of the order of the learned Rent Controller dated 21.12.2004, both the landlord as well as the revision petitioners/tenants had preferred appeals in R.C.A.No.114 of 2005 and 209 of 2005 respectively. The learned Rent Control Appellate Authority, after hearing both sides, had proceeded to dismiss both the appeals confirming the order passed by the learned Rent Controller. It is significant to note here that the tenants alone have preferred this revision.

4. Heard Ms.N.Gomathi, learned counsel for the petitioners and Mr.R.Madanagopal, learned counsel for the respondent. This Court has also perused the averments of the grounds of revision along with the judgment and decree passed by the Rent Control Appellate Authority.

5. At the first instance, this Court would like to place on record that both the Rent Controller as well as the Rent Control Appellate Authority have given concurrent findings fixing the fair rent in respect of the petition mentioned premises at Rs.4273/- per month. It is the common parlance that when both the courts below have given concurrent findings, this Court being the revisional Court, must be very slow to exercise its revisional jurisdiction for interfering with the order impugned.

6. This Court perused the order of the Rent Controller as well as the Rent Control Appellate Authority. Having given its careful consideration, this Court is of the view that this revision petition does not have any merit. This Court also does not see any valid reason for the interference. Under this circumstance, the revision petition is deserved to be dismissed. The order of the Rent Controller as well as the judgment and decree of the Rent Control Appellate Authority are confirmed. However, there shall be no order as to costs.

29.09.2016

Index: Yes/No
Internet: Yes
gpa

T.MATHIVANAN.J.,

gpa

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