



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P. (MD) .No.264 of 2016 (NPD)

Syed Mohamed Abura

... Petitioner

Vs.

Jalarnath

... Respondent

Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973 and Act 1 of 1980, against the fair and decreetal order passed by the Rent Control Appellate Authority (Court of the Subordinate Judge), Virudhunagar in I.A.No.21 of 2015 in I.A.No.44 of 2014 in Unnumbered R.C.A.No..... of 2014 on 28.08.2015.

For Petitioner :Mr.G.Marimuthu

ORDER

The petitioner is the tenant in R.C.O.P. The respondent has filed R.C.O.P.No.13 of 2006 for fixation of fair rent. The Rent Controller fixed fair rent as Rs.4,000/- from the date of petition ie., on 18.06.2006. The petitioner filed R.C.A along with I.A.No.44 of 2014 to condone the delay in filing the R.C.A. He also filed another I.A.No.21 of 2015 under Section 11(2) of Tamilnadu Lease and Rent Control Act, to permit the petitioner to deposit the fair rent as fixed by the rent controller from July 2014 to July 2015, as the respondent refused to receive the rent.

2.The respondent filed counter affidavit stating that the petitioner is liable to pay fair rent from 18.06.2006 ie., from the date of petition and not from July 2014. At the time of hearing, the petitioner agreed to pay fair rent of Rs.4,000/- from the date of petition ie., 18.06.2006. In the circumstances, the appellate authority permitted the petitioner to deposit Rs.52,000/- being fair rent from July 2014 and directed the petitioner to pay fair rent from 18.06.2006 to June 2014, after deducting the amount already paid and continue to pay till the disposal of R.C.A. Against the said order, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submitted that the petitioner has filed R.C.A challenging the order of the Rent Controller fixing the fair rent and there is every possibility the petitioner succeeding in R.C.A. If the petitioner is directed to deposit the fair rent fixed by the Rent Controller, the petitioner will be put to irreparable loss. The learned counsel also submitted that the appellate authority failed to see that the Rent Controller



did not fix any date from which the petitioner has to pay the fair rent.

4. Heard the learned counsel appearing for the petitioner and I have carefully perused the entire materials on record.

5. From the materials it is seen that the Rent Controller fixed fair rent as Rs.4,000/- from 18.06.2006 ie., from the date of petition filed by the respondent for fixing a fair rent. Therefore, the contention of the petitioner that the Rent Controller did not fix any date from which the petitioner has to pay, is untenable and it is contrary to the provisions of Act. The petitioner before the Appellate Authority, agreed to deposit the fair rent from the date of petition and considering the submissions made by the petitioner, the appellate authority passed an order directing the petitioner to deposit the fair rent from 18.06.2006 ie., from the date of petition filed by the respondent.

6. The appellate authority considered all the materials on record ordered the petition and directed the petitioner to deposit from 18.06.2006. Therefore, there is no illegality and irregularity in the said order, warranting interference by this Court.

7. In the result, the civil revision petition is dismissed. No costs.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

The Rent Control Appellate Authority,
(Court of the Subordinate Judge),
Virudhunagar.

Akm/14.03.2016/2p-2c/MP/AN

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