

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2017

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THE HONOURABLE MR.JUSTICE M. DURAISWAMY

C.R.P.(PD).No.1206 of 2017
and C.M.P.No.5709 of 2017

1.M/s.Vasantha Bhavan (Anna Nagar)
rep by its Partner M.Ganesan
AA-146, III Avenue,
Anna Nagar, Chennai - 40.

2.M.Ganesan

3.Rajakumari

... Petitioners

Vs.

1.Devatha

2.S.Rajarajan
rep by his mother POA 1st respondent

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of VIII Judge, Court of Small Causes, Chennai dated 14.03.2017 passed in M.P.No.112 of 2017 in R.C.A.No.180 of 2017 in R.C.O.P.No.926 of 2014.

For Petitioners : MrA.Natarajan, Senior Counsel
for Ms.A.Madhumathi

ORDER

Challenging the conditional order passed by the Rent Control Appellate Authority, VIII Judge, Court of Small Causes, Chennai, the tenants have filed the above Civil Revision Petition.

2.The appeal in R.C.A.No.180 of 2017 has been filed by the revision petitioners challenging the order passed in M.P.No.260 of 2016 in R.C.O.P.No.926 of 2014 on the file of the XV Judge, Court of Small Causes, Chennai. The application in M.P.No.260 of 2016 was filed by the respondents/ landlords under Section 11 (4) of the Tamil Nadu Buildings (Lease and Rent Control) Act. The Rent Controller allowed the application and directed the tenants to pay a sum of Rs.9,68,160/-, being the arrears from September 2015 to January 2017 (i.e.) 17 months at the rate of Rs.87,120/- per month. Aggrieved by this order, the tenants preferred an appeal in R.C.A.No.180 of 2017. In the said appeal, the tenants filed an application in M.P.No.112 of 2017 seeking for interim stay of all further proceedings in pursuance of the eviction order dated 10.02.2017 passed in M.P.No.260 of 2016 in R.C.O.P.No.926 of 2014 pending disposal of the appeal.

3.The Rent Control Appellate Authority, by order dated 14.03.2017, granted an order of interim stay on condition the petitioners depositing a sum of Rs.4,00,000/- to the credit of R.C.A.No.180 of 2017 on or before 04.04.2017. The Appellate Authority also made it clear that failure to deposit the said amount within the stipulated time will result in vacation of the interim order. Against this order dated 14.03.2017, the revision petitioners have filed the above Civil Revision Petition.

4.Mr.A.Natarajan, learned senior counsel appearing for the petitioners submitted that the petitioners/tenants have already paid a sum of Rs.18,00,000/- towards Corporation Taxes payable by the landlords and therefore, without adjusting the said amount, the petitioners should not be further directed to deposit a sum of Rs.4,00,000/-.

5.With regard to the payment of Rs.18,00,000/- is concerned, the same has to be established by the tenants before the Appellate Authority. The present order dated 14.03.2017 is a discretionary order passed by the Rent Control Appellate Authority, imposing a condition to deposit a sum of Rs.4,00,000/-. Since the petitioners are in occupation of the premises, running

a hotel in Anna Nagar, even if the petitioners succeed in the Rent Control Appeal, the amount to be deposited by them can be adjusted in future rents. In such view of the matter, I do not find any reason to interfere with the order passed by the Rent Control Appellate Authority.

6.The learned senior counsel appearing for the petitioners submitted that the time for complying with the conditional order expires on 04.04.2017 and in view of the Court holidays, the petitioners may be permitted to pay the amount in two weeks time from 04.04.2017.

7.In view of the submissions made by the learned senior counsel for the petitioners, I grant two weeks time from 04.04.2017 to comply with the conditional order dated 14.03.2017.

8.With these modifications, the Civil Revision Petition is dismissed.

9.The interim order granted by the Rent Control Appellate Authority in M.P.No.112 of 2017 shall continue for a further period of two weeks from

04.04.2017.

10.The Appellate Authority is directed to dispose of the appeal in R.C.A.No.180 of 2017 as expeditiously as possible. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
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28.03.2017

To

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

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

M. DURAISWAMY, J.
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