

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P. No.2575 of 2014 &
M.P.No.1 of 2014

P.Sundaram

..Petitioner

Vs.

Gangadharan

... Respondent

PRAYER: Civil Revision Petition filed under section 25 of Tamilnadu Buildings (Lease & Rent Control) Act 1960 to set aside the order and decree dated 20.01.2014 made in R.C.A.No.609 of 2009 on the file of the VII Judge, Court of Small Causes, Chennai and consequently set aside the Order and decree dated 07.08.2009 in R.C.O.P.No.859 of 2008 on the file of XIII Judge, Court of Small Causes, Chennai with cost.

For Petitioner : Mr.S.Aravazhagan

For Respondents: Mr.M.T.Arunan

O R D E R

This revision has been filed to set aside the order and decree dated 20.01.2014 passed in R.C.A. No.609 of 2009 on the file of the VII Judge, Court of Small Causes, Chennai and consequently set aside the Order and decree dated 07.08.2009 passed in R.C.O.P.No.859 of 2009 on the file of the XIII Judge, Court of Small Causes, Chennai with cost.

2. The petitioner is a tenant under the respondent for a monthly rent of Rs.350/- from the year 1970. As the rent is very low, the respondent has filed RCOP for fixation of fair rent and the fair rent has been fixed at Rs.6,254/- from the date of filing of the RCOP. As against which, the petitioner filed RCA No.609 of 2009 and the Rent Control Appellate Authority has modified the fair rent to Rs.5,675/-. Challenging the same, the petitioner has preferred the present revision.

3. The learned counsel for the petitioner submitted that the Courts below have failed to consider the report of the Engineer filed by the petitioner in which the market value of the suit property is mentioned as Rs.60,00,000/-. Even though,

the respondent has not adduced any evidence in support of the market value stated in the Engineer's report and the sale deed, by considering the said Engineer's report filed on the side of the respondent and the sale deed dated 11.12.2014, the Courts below fixed the fair rent.

4. The learned counsel for the respondent would submit that both the authorities have come to the right conclusion and fixed the fair rent on the basis of the entire documents and hence, the present Civil Revision Petition is liable to be dismissed.

5. The respondent herein has marked Engineer's Report Ex.P.1 and the sale deed Ex.P.2. But the executor of the sale deed has not been examined. Apart from that, no other material has been placed before the Courts below to substantiate the claim of the respondent. Admittedly, the petitioner herein has filed the Engineer's Report to show that the market value of the property is Rs.60,00,000/-.

6. It is also brought to the notice of the Court that the petitioner has paid the rent as per the interim direction of this Court. Excepting that, no rent has been paid. Therefore, in the interest of justice and in view of the facts and circumstances and in the light of Ex.P.1 and R.2, this Court, accepting Ex.R.1 Engineer's report that the market value is not less than Rs.60,00,000/-, has fixed the market value of the suit property as Rs.60,00,000/-. Therefore, the Order passed by the Courts below is modified by fixing the fair rent at Rs.4000/- and the same is acceptable to the petitioner.

7. This Civil Revision Petition is partly allowed and the Orders of the Courts below are modified, by fixing the fair rent at Rs.4000/- per month and the petitioner is directed to pay the arrears of rent as ordered by this Court within a period of 12 weeks from today. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The VII Judge
Court of Small Causes
Chennai

2. The XIII Judge
Court of Small Causes
Chennai

3. The Section Officer
VR Section
High Court, Madras

+1 CC to Mr.S. Arivazhagan, sr 22967

+1 CC to Mr.M.T. Arunan, Advocate sr 22970

CRP. No.2575 of 2014

GJ(CO)
sp/17/5



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