

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2017

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P.(NPD).No.513 of 2015

and

M.P.No.1 of 2015

C.Subramanian
Old No.31, New No.57, Lake View Road
West Mambalam
Chennai - 600 033.

.. Petitioner/Appellant/Respondent/Tenant

-Vs.-

1.Mrs.Nirmala Daga

2.Vaibhav Daga

.. Respondent/Respondent/Petitioner/Landlord

Prayer:

Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the order passed by the learned VIII Small Causes Judge in R.C.A.No.375 of 2014, dated 03.12.2014 modifying the order passed by the learned XV Small Causes Judge in R.C.O.P.No.1172 of 2013, dated 29.04.2014.

For Petitioner : Mr.A.S.Baalaji

For Respondent : Mr.M.Bakthavatchalam,
for R1 & R2

ORDER

The present Civil Revision Petition has been filed challenging the fair and decretal order dated 03.12.2014 made in R.C.A.No.375 of 2014 on the file of the learned VIII Small Causes Judge, Chennai by modifying the order dated 29.04.2014 made in R.C.O.P.No.1172 of 2013 on the file of the learned XV Small Causes Judge, Chennai.

2.The respondents/landlord had filed RCOP.No.1172/2013 for fixation of fair rent at Rs.13,977/- per month, against the agreed rent of Rs.2,100/- per month. The learned Rent Controller after taking into consideration of the oral and documentary evidences fixed the fair rent at Rs.9,796/- per month and he has taken the land value at Rs.2,80,00,000/-. As against the said order of the learned Rent Controller, the revision petitioner/tenant preferred an appeal in RCA.No.375/2014 on the file of the learned Rent Control Appellate Authority. The learned Rent Control Appellate Authority taking into consideration of the Ex.P.4/Sale Deed, dated 07.10.2013 filed by the landlord, fixed the land value at Rs.2,00,00,000/- and fixed the fair rent at Rs.7,120/- instead of Rs.9,796/- as fixed by the learned Rent Controller. As against the said order of the learned Rent Control Appellate Authority, the present Civil Revision Petition has been

preferred by the tenant.

3.The learned counsel appearing for the revision petitioner/tenant would submit that the land value fixed by the learned Rent Control Appellate Authority at Rs.2,00,00,000/- per ground is on the higher side. He would also submit that the revision petitioner/tenant has not filed any documents to determine the land value but the respondent/landlord had filed Ex.P.4/Sale Deed, dated 07.10.2013, wherein 503 sq.ft of land is sold at Rs.41,00,000/-, which is on the higher side. Hence, the learned counsel appearing for the revision petitioner/tenant prayed for allowing the revision.

4.Resisting the same, the learned counsel appearing for the respondents/landlord would submit that both the Courts below had considered the oral and documentary evidences and came to the correct conclusion. Further, the revision petitioner/tenant has not filed any document to prove that the land value fixed by the Courts below is on the higher side. But the learned Rent Control Appellate Authority had relied on Ex.P.4/Sale Deed, dated 07.10.2013, wherein 503 sq.ft of land is sold at Rs.41,00,000/- and fixed the land value at Rs.2,00,00,000/- which is correct. Hence, the learned counsel for the respondent prayed for dismissal of the Civil Revision Petition.

5.Considered the rival submissions made by both sides and perused the typed set of papers.

6.The only fact that is disputed is with regard to the value of the land and all the other facts are not disputed. It is pertinent to note that the revision petitioner/tenant has not filed any document to fix the land value. But the respondents/landlord had filed Ex.P.4/Sale Deed, dated 07.10.2013, wherein 503 sq.ft of land is sold at Rs.41,00,000/-. On the basis of the same, the learned Rent Control Appellate Authority had calculated the land value at Rs.1,95,62,624/- and rounded off the same to Rs.2,00,00,000/-.

7.In such circumstances, I do not find any reason to interfere with the finding of the learned Rent Control Appellate Authority made in R.C.A.No.375 of 2014, dated 03.12.2014. Hence, the fair rent fixed by the learned Rent Control Appellate Authority at Rs.7,120/- is hereby confirmed and the present Civil Revision Petition stands dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed. No costs. Considering the request made by the learned counsel appearing for the revision petitioner/tenant, four weeks time is granted, from the date on which the order copy is made ready, for the tenant to pay the difference between the contractual rent and the rent

fixed by this Court.

25.01.2017

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