

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(NPD)No.2046 of 2013

Murugasivam

.. Petitioner

Vs.

Jeyaraj Nadar

.. Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 as amended by Act 23 of 1973 against the order of the learned VII Rent Control Appellate Authority, Court of Small Causes, Chennai dated 09.01.2013 in R.C.A.1264 of 2005 by modifying the order passed in RCOP No.2230 of 2004 by the learned XV Rent Controller, Small Causes Court, Chennai dated 12.09.2005 and partly allowed the appeal preferred by the respondent herein.

For Petitioner	...	Ms.Meera Ramesh
For Respondent	...	Mr.Vasudevan

ORDER

This civil revision petition is directed against the judgment dated 09 January 2013 in RCA No.1264 of 2005 on the file of the appellate authority (Court of Small Causes), Chennai.

2. The petitioner filed RCOP No.2230 of 2004 before the learned XV

Judge, Court of Small Causes, Chennai for fixation of fair rent. The trial Court appears to have fixed fair rent at Rs.2,527/- per month. The judgment was challenged by the respondent before the appellate authority in RCA No.1264 of 2005. The appellate authority modified the fair rent and fixed it at Rs.2,076/-. The said judgment is the subject matter of this civil revision petition.

3. The learned counsel for the respondent by producing a copy of the order dated 05 March 2013 in CRP(NPD) No.866 of 2013 contended that this Court has already upheld the judgment in RCA No.1264 of 2005 and as such, nothing survives for adjudication in the civil revision petition filed by the landlord.

4. When it was pointed to the learned counsel for the parties that it would be in the interest of both the parties to arrive at a settlement, the parties have negotiated the matter and ultimately filed two separate memos. According to the petitioner, he is prepared to receive the monthly rent at the rate of Rs.2,400/- with effect from January 2017. The respondent also agreed to pay rent at the rate of Rs.2,400/- with effect from 01 January 2017.

5. In view of the settlement arrived at between the parties, there is no need for factual adjudication of this civil revision petition.

6. The monthly rent of the building is fixed at Rs.2,400/- with effect from

01 January 2017. The respondent is given eight weeks time to pay the arrears. However, he should continue to pay the monthly rent fixed as above.

The civil revision petition is disposed of with the above modification of the judgment in RCA No. 1264 of 2005. No costs.

27.04.2017

Index:Yes/No

To

1. VII Rent Control Appellate Authority,
Court of Small Causes,
Chennai.

2.XV Rent Controller,
Small Causes Court,
Chennai.

K.K.SASIDHARAN, J.

gms

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