

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)Nos.2705 & 2706 of 2012 and
M.P.No.1 of 2012

Seshmal

.. Petitioner in both
C.R.Ps'

Vs.

Ashok Jain

.. Respondent in
both C.R.Ps'

PRAYER in both the CRPs': Civil Revision Petitions filed Under Section 25 of the Tamilnadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Tamilnadu Act 23 of 1973, against the fair and decretal order dated 24.08.2011 made in R.C.A.Nos.754 and 763 of 2004 on the file of VIII Judge, Court of Small Causes, Chennai, modifying R.C.O.P.No.1110 of 2003, dated 04.03.2004, on the file of the XIV Judge, Court of Small Causes, Chennai.

For Petitioner : Mr.Uttamchand
for Mr.P.K.Sivasubramaniam

For Respondent : Mr.D.Dharmachand Jain

COMMON ORDER

The civil revision petitions are filed against the fair and decretal order dated 24.08.2011 made in R.C.A.Nos.754 and 763 of 2004 on the file of VIII Judge, Court of Small Causes, Chennai, modifying R.C.O.P.No.1110 of 2003, dated 04.03.2004, on the file of the XIV Judge, Court of Small Causes, Chennai.

2. The petitioner is tenant and respondent is landlord in R.C.O.P.No.1110 of 2003 on the file of the XIV Judge, Small Causes Court, Chennai. The respondent filed the said R.C.O.P for fixing of fair rent for the petition property at Rs.10,183/- from the date of the petition. The learned Rent Controller fixed fair rent at Rs.6,185/- per month. Against the said order dated 04.03.2004 made in R.C.O.P.No.1110 of 2003, the petitioner filed R.C.A.No.754 of 2004 for reduction of the fair rent of Rs.6,185/- per month fixed by the learned Rent Controller. The respondent filed R.C.A.No.763 of 2004 for enhancement of fair rent from Rs.6,185/- to Rs.10,183/-.

3. The learned Appellate Authority, by the common judgment dated 24.08.2011, allowed the R.C.A.No.763 of 2004 filed by the

respondent/landlord by fixing the fair rent at Rs.9,976/- and dismissed R.C.A.No.754 of 2004 filed by the petitioner/tenant.

4. Against the common judgment dated 24.08.2011 made in R.C.A.Nos.754 and 763 of 2004, the present two civil revision petitions are filed by the petitioner/tenant.

5. The learned counsel for the petitioner submitted that the learned Rent Controller fixed proportionate extent of petition premises at 223.66 sq.ft. and market value of the land at Rs.50,00,000/- per ground and arrived at the fair rent at Rs.6,185/- per month. The learned Appellate Authority fixed the extent of petition property at 317 sq.ft., value of the land at Rs.60,00,000/- per ground and arrived at the fair rent at Rs.9,976/- per month. Both the Courts below have not properly taken into account the proportionate extent and market value of the land. In fact, proportionate extent of the land is only 242 sq.ft. and market value of the land is Rs.55,00,000/- per ground. Applying these principles, the fair rent will be at Rs.7,596.99 per month.

6. The learned counsel for the respondent/landlord has not referred to any materials on record to dispute the above contentions and submitted that the fair rent may be fixed at Rs.7,600/- per month.

7. In view of the above submissions made by the learned counsel for the petitioner and respondent and materials on record, order of the learned Rent Controller made in R.C.O.P.No.1110 of 2003 and judgment of the learned Appellate Authority made in R.C.A.No.763 of 2004 is modified and the fair rent is fixed at Rs.7,600/- per month.

8. With the above modification, both the Civil Revision Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

28.08.2017

Index:Yes/No

kj

To

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

2. XIV Judge, Court of Small Causes, Chennai.

V.M.VELUMANI, J.

gsa/kj



C.R.P.(NPD)Nos.2705 and 2706 of 2012
& M.P.No.1 of 2012

WEB COPY 28.08.2017