

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2017

CORAM

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

C.S.No.527 of 2012

Mr.J.Selvaraju

.... Plaintiff

..Vs..

1.Song and Drama Division,
Ministry of Information and Broadcasting,
Government of India,
Chennai Regional Office,
Rep.by its Regional Deputy Director,
No.9, IV Street,
Dr.Subbarayan Nagar,
Kodambakkam,
Chennai-600 024.

2.Song and Drama Division,
Ministry of Information and Broadcasting,
Government of India,
Head Office,
Rep.by its Director,
Soochna Bhavan, GGO Complex,
Lodhi Road,
New Delhi-110 001.

... Defendants

Plaint filed under Order IV Rule 1 of O.S.Rules r/w Order VII Rule 1
of C.P.C praying to pass a judgment and decree:-

a) To direct the defendants to pay a sum of Rs.54,67,200/- to the plaintiff along with future interest at the rate of 18% per annum on the arrear amount from the date of plaint till the date of realization.

b) directing the defendants to pay the plaintiff the costs of the suit;

For Plaintiff : Mr.T.N.Rajagopalan

For Defendants : No Appearance

J U D G M E N T

The suit is filed for recovery of a sum of Rs.54,67,200/- being the difference between the agreed rent and fair rent fixed by the learned Rent Controller under Section 4 of the Tamilnadu Buildings (Lease and Rent Control) Act, 1969.

2.The defendants became a tenant under the plaintiff in respect of ground and first floor of the premises bearing Door No.9, IV Street, Dr.Subbarayan Nagar, Kodambakkam, Chennai-24. The plaintiff is the owner of the building who had filed RCOP No.748 of 2008, on the file of the X Small Causes Court, Chennai for fixation of fair rent, and by an order dated 25.06.2010, the fair rent was fixed at Rs.1,38,900/- per month

payable for the premises in the occupation of the defendants with effect from 10.04.2008 viz., the date of filing of the RCOP. The defendants despite repeated demands, have not paid the arrears rent or the difference between the actual rent and the fair rent as fixed even after the order in RCOP.No.748 of 2008.

3. According to the plaintiff, a legal notice was issued to the defendants on 06.11.2010 requesting them to pay the arrears. The same has not been complied with. Despite appearing through a counsel the defendants have not filed their written statements and were set ex-parte on 02.11.2016, and the suit was posted before the learned Additional Master I for recording evidence. The plaintiff was examined as PW-1, and has also filed the proof of affidavit reiterating the averments in the plaint. Exs.P-1 to P-3 have been marked on the side of the plaintiff. Ex.P-1 is the judgment in RCOP.No.748 of 2008 which shows that the Rent Controller has fixed the fair rent payable by the defendants at Rs.1,38,900/-. Ex.P-2 is the decree in the said RCOP.No.748 of 2008. Ex.P-3 is a notice sent by the learned counsel for the plaintiff to the defendants on 06.11.2010. It is a duty of the tenant to pay the fair rent as fixed by the fair Rent Controller. From Exs.P-1 and P-2 as well as the

oral evidence of the plaintiffs, I find that the plaintiff has proved his case.

4.Hence, there will be a decree for a sum of Rs.54,67,200/- with future interest at 6% per annum from the date of plaint till the date of realization and for costs of the suit.

30.11.2017

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Index : Yes/ No

Internet : Yes/ No

Speaking Order/ Non-speaking Order

List of the witnesses examined on the side of the plaintiff:

PW-1 J.Selvaraj Plaintiff.

List of Exhibits marked on the side of the Plaintiff:

Ex.P-1 Certified copy of the judgment delivered in RCOP No.748 of 2008 dated 25.06.2010.

Ex.P-2 Certified copy of the decreetal order in RCOP No.748 of 2008.

Ex.P-3 Legal Notice along with acknowledgment.

List of the witnesses examined on the side of the defendants: Nil.

List of Exhibits marked on the side of the defendants: Nil.

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30.11.2017

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R.SUBRAMANIAN, J.

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