

IN THE HIGH COURT OF JUDICATURE AT MADRAS
RESERVED ON : 01.11.2018
PRONOUNCED ON : 19.11.2018
CORAM
THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P. No.96 of 2009
and
M.P.No.1 of 2009

N.S.Ramalingam

.. Petitioner/ Appellant / Respondent Tenant

vs

V.R.Jayarama Chettiar (Died)

1.Vasundra Bai Ammal

2.B.Chandrakumar

3.Sheela Mohan

4.K.A.Poornima

.. Respondents/ Petitioner Land Lord

Prayer : Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings Lease and Rent Control Act, 1960 against the judgment and decree dated 29.09.2008 made in R.C.A. No.06 of 2005 on the file of Rent Control Appellate Authority, Vellore confirming the judgment and decree dated 05.11.2004 made in R.C.O.P. No.25 of 1993 on the file of the Rent Controller, Vellore, Vellore district.

For petitioner : Mr.T.R.Raja Raman

For respondents: Mr.Moyal James for
M/s.Sarvabhauman Associates

O R D E R

The present Civil Revision Petition has been filed against the judgment and decree dated 29.09.2008 made in R.C.A. No.06 of 2005 on the file of Rent Control Appellate Authority, Vellore confirming the judgment and decree dated 05.11.2004 made in R.C.O.P. No.25 of 1993 on the file of the Rent Controller, Vellore, Vellore district.

2.The petitioner herein is a tenant against whom the respondents had filed R.C.O.P. No.25 of 1993 on the file of the Rent Controller, Vellore, Vellore district. The said R.C.O.P. No.25 of 1993 came to be allowed by a fair and reasonable order dated 05.11.2004, wherein the fair

rent of Rs.1082/- was fixed under Section 4 of Tamil Nadu Buildings (Lease and Rent Control Act 18/1960 as amended by Act 23/1973.

3.By the impugned order, the Rent Control Appellate Authority confirms the fair and decreetal order of the Rent Controller, Vellore in R.C.A. No.06 of 2005. Aggrieved over the same, the present civil revision petition has been filed.

4.The petitioner has stated that the learned Subordinate Judge erred in findings whether the petitioner was in occupation of 869.60 Sq. ft. in the first floor, which was admitted by R.W.1, when there is no admission by R.W.1.

5.However, on going through the order of the Rent Controller, it is noticed that the plinth area has been arrived based on the evidence of both the parties. The petitioner himself contended that the ground floor is 410 Sq. ft. and the open space is 448.60 Sq. ft. The Rent Controller construed that as per Ex.B.11, the property consists of ground floor, first floor and second floor. During the cross-examination, the petitioner had admitted that there is a room in the first floor and therefore, the plinth area of the first floor arrived at 64 Sq. ft. As per the petitioner's deposition and evidence, the plinth areas of the ground floor is 410 Sq. ft., open space is 170.50 Sq. ft and first floor is 64 Sq. ft.

6.However, in the present petition, it is stated the learned Subordinate Judge had erred that the petitioner was in occupation of 869.60 Sq. ft., which is not found in the judgment and decree of the Rent Controller and that of the Rent Control Appellant Authority.

7.I do not find any merits in the present petition filed by the petitioner. Further it is noticed that the rent control proceedings is of the year 1993 almost 25 years have been lapsed. The market value of the land property would have increased. I do not find any reason to interfere with the order of Rent Control Appellate Authority. The present civil revision petition therefore is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To,
The Rent Controller ,
Vellore, Vellore District

2. The section officer,
VR Section,
High court
Madras

+1cc to M/s.Sarvabhauman Associates , Advocate SR.No.
78713

A.SK(14/02/2019)

C.R.P. No.96 of 2009



WEB COPY