

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2019

CORAM
THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(PD).No.2056 of 2015

and

M.P.No.1 of 2015

K.E.Kumar

.. Petitioner

vs.

Rita Baaktha

.. Respondent

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 22.10.2013 made in R.C.A.No.531 of 2005 on the file of the VII Judge, Small Causes Court, (Appellate Authority) Chennai, modifying the order and decretal order dated 29.03.2005 made in R.C.O.P.No.716 of 2004 on the file of the X Judge, Court of Small Causes (Rent Controller), Chennai.

For Petitioner

: No Appearance

For Respondent

: Mr.S.Raghavan

ORDER

The petitioner-tenant and is aggrieved by the fair and decretal order dated 22.10.2013 passed by the Rent Control Appellate Court in R.C.A No. 531 of 2005.

2. By the order impugned, the Rent Control Appellate Court has

dismissed the appeal filed by petitioner herein.

3. The respondent herein filed R.C.O.P No. 716 of 2004 under Section 4 of the Tamil Nadu Buildings (Lease and Rent) Control, 1960 for fixation of fair rent of Rs.73,546/- per month.

4. The petitioner tenant resisted the above proceeding and stated that the rent payable was Rs.2500/- and the petitioner was paying Rs.3000/- per month and the fair rent claimed at Rs.73,546/- was exorbitant and does not disclose the basis for claiming such a rent of Rs. 73,546/- as fair rent.

5. The Rent Controller by fair and decretal order dated 29.03.2005 fixed the fair rent of Rs.49,256/- . Aggrieved by the same both the petitioner and the respondent preferred separate appeals vide RCA No. 531 of 2005 and R.C.A.No.921 of 2005 respectively before the Rent Control Appellate Authority.

WEB COPY

6. By a common order dated 22.10.2013 the Rent Control Appellate Court partly allowed the appeal filed by the petitioner-tenant and reduced the fair rent to Rs.39,920/-p.m. from Rs.49,256/- .

7. Aggrieved by the order partially allowing the appeal filed before the Rent Control Appellate Court in R.C.A.No.501 of 2005, the petitioner tenant has preferred the present appeal.

8. The connected CRP (NPD)No.68 of 2014 filed by the landlord (respondent herein) was taken up for hearing on 15.02.2019. As there was no representation on behalf of the petitioner and the case was directed to be listed under the caption “ for dismissal” on 19.02.2019. Thereafter, it was adjourned to 20.02.2019 under the caption “ for dismissal” . On that day, the learned counsel for the respondent-landlord (petitioner therein) requested for time conducting the case. On 06.03.2019, the said civil revision petition was dismissed as infructuous.

9. The above submission of the learned counsel for the respondent stands recorded.

10. It appears that the petitioner is not interested in pursuing with the present civil revision petition.

C.SARAVANAN,J.

kkd

11. In view of the above, the present Civil Revision Petition is dismissed for non prosecution with liberty to restore the same within the period of limitation. No cost. Consequently, connected miscellaneous petition is also closed.

Index :Yes/No
Internet :Yes/No
kkd

To

1. VII Judge, Small Causes Court, (Appellate Authority)
Chennai.
2. X Judge, Court of Small Causes (Rent Controller),
Chennai.
- 3.The Section Officer,
V.R.Section, High Court, Madras.

05.04.2019

C.R.P.(NPD).No.2056 of 2015
and
M.P.No.1 of 2015