

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.03.2019

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(NPD)No.3839 of 2013
and M.P.No.1 of 2013

Sampath

..

Petitioner

versus

Alameluammal

..

Respondent

PRAYER: Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, against the order dated 24.06.2013 made in C.M.A.No.7 of 2009 on the file of the First Additional Sub Judge, Cuddalore.

For Petitioner : M/s.G.Sumitra
For Respondent : Mr.D.Ravichander

ORDER

This Civil Revision Petition has been filed as against the concurrent findings of the Court below in fixing the market value to the extent, which was in occupation of the tenant. The trial Court has fixed the market value of Rs.3,45,000/- taking into consideration of the average market value for three years. The First Appellate Court has also confirmed the order of

the trial Court. As against which, the present revision is filed by the revision petitioner.

2. The only grievance of the tenant is that the trial Court has not followed Section 9 of the Tamilnadu City Tenants Protection Act, without fixing the minimum extent of land, which may be necessary for enjoyment of the tenant, the market value has been arrived.

3. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent and also perused the entire order.

4. It is not in dispute that the revision petitioner has filed an application to fix the minimum extent as 360 sq.ft., the trial Court has appointed an Advocate Commissioner and the Commissioner has filed his report stating that the patta land is only 230 sq.ft. and the remaining area is Government Poramboke land. Accordingly, the trial Court has fixed the minimum extent of land as 230sq.ft. and only after satisfying Section 9(ii)(b) of Tamilnadu City Tenants Protection Act, the trial Court has arrived the market value for 3 years immediately proceeding from the date of the order.

Therefore, the contention of the revision petitioner that the trial Court has not fixed the market value without fixing the minimum extent of land, which may be necessary for the tenant cannot be countenanced.

5. In the result, the Civil Revision Petition is dismissed. However, the revision petitioner is directed to pay the market value fixed by the trial Court, within a period of one month from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

22.03.2019

Speaking Order/Non Speaking Order

Index : Yes / No

Internet : Yes

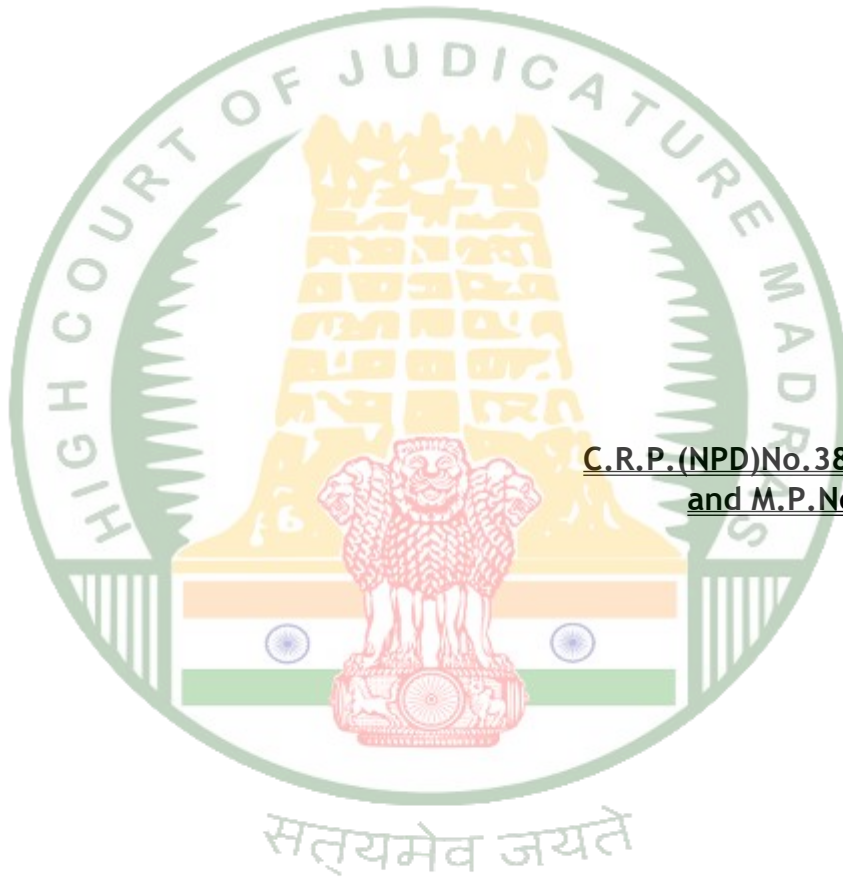
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To

The First Additional Sub Judge,
Cuddalore.

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N.SATHISH KUMAR, J.,
sri



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