

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

C.R.P.(PD) No.3687 of 2019

D.Ananda Rajan (Died)
1.D.Ramesh Rajan

... Petitioner

-Vs-

N.Srinivasan

... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India against the fair and decreetal order dated 24.04.2019 passed in R.C.A.No.6/2018 on the file of the Court of Subordinate Judge at Ponneri, confirming the fair and decreetal order dated 20.04.2018 passed in R.C.O.P.No.31/2008 on the file of District Munsif Court at Thiruvottiyur.

For Petitioner : Mr.R.Gophinath

ORDER

This revision petition has been filed against the fair and decreetal order dated 24.04.2019 passed in R.C.A.No.6/2018 on the file of the Court of Subordinate Judge at Ponneri, confirming the fair and decreetal order dated 20.04.2018 passed in R.C.O.P.No.31/2008 on the file of District Munsif Court at Thiruvottiyur.

2. Before the Rent Control Court, the revision petitioner landlord filed R.C.O.P.No.31 of 2008 to fix the fair rent. According to the learned counsel for

the revision petitioner, the premises / building in question is a commercial property to the extent of 1800 Sq.ft, which was let out at the rate of Rs.6000/- per month. In order to enhance the monthly rent by fixing the fair rent, the said O.P. was filed before the Rent Controller by the landlord.

3. Having tried the said R.C.O.P., the Rent Controller has disposed of the same by an order dated 20.04.2018, thereby fixing the monthly rent at Rs.30,875.38/- by taking into consideration all parameters, as against which, both the tenant as well as the landlord filed appeals. The tenant filed R.C.A.No.4 of 2018 and the landlord filed R.C.A.No.6 of 2018. Both the R.C.As were heard together and disposed of by the common order dated 24.04.2019, which is impugned herein, whereby the Rent Control Appellate Authority, having confirmed the order passed by the Rent Controller, was pleased to dismiss both the R.C.As. Aggrieved over the said judgment, the landlord has preferred the present revision petition.

4. I have heard the learned counsel for the petitioner, who would submit that the market value of the property in question has not been properly considered and the learned Judge has taken into account the value of the year 2008 ie., at the time of filing the R.C.O.P., and therefore, the said fixation of Rs.30,875.38/- is not correct and it should be enhanced. Hence, the impugned order is liable to be interfered with and therefore the landlord has preferred this revision.

5. I have considered the said submissions made by the learned counsel for the petitioner and have gone through the materials placed before this Court.

6. In the impugned order, the Rent Control Appellate Authority, having considered the judgment of the Rent Controller in every aspect, has given its verdict. To appreciate the same, the following findings given by the Rent Control Appellate Authority in the impugned order is extracted hereunder.

“The court below has rightly taken Ex.P10 filed by the respondent side which is of the year 2008 and there is no illegality in ignoring the Ex.R2 Sale Deed filed by the appellant which is of the year 2007. This Court finds that the Court below has taken into consideration the market value of the demised property mentioned as Rs.2,29,580/- which cannot be taken as the guideline value. In the above rulings relied upon by the respondent side, it was clearly held that the market value is the value mentioned in the sale deed and therefore in this regard the rulings relied upon by the learned counsel reported in 2006(2) CTC 433 (Full Bench) and 2000-1-LW 826 stated supra for are not useful to the case of the respondent side. On cumulative analysis of the entire evidence and documents on record, this Court is of the considered view, that the Court below has considered all the documents and evidence in the proper perspective and rightly fixed the rental value of the demised building. The difference between the value fixed by the Court below and the value sought for by the appellant side is only Rs.2000/- which is negligible. Therefore, this Court does not find

any merit in the appeal filed by the appellant to reduce the fair rent fixed by the Court below. Similarly, this Court does not find any justification in the claim of the respondent that the fair rent to be fixed at Rs.48,326/-. There is no material available on record to establish that the market value of the property has to be taken as Rs.60,00,000/- per ground. Therefore, this Court holds that the court below has struck balance on the comparative analysis of the documents relied upon by the rival side and rightly relied upon Ex.P10 to fix the market value of the demised building and therefore the contention of the appellant side that the court below has erroneously fixed the rental value on the lower side is not acceptable. To put it in the nutshell, both RCAs filed by the rival sides are devoid of any merit and deserved to be dismissed. For the above reasons and discussions, it is decided that the fixation of fair rent of Rs.30,875.38 per month for the petition mentioned property is not sustainable and the above point is answered accordingly.”

7. Therefore, the present contention of the learned counsel for the revision petitioner that, the market value was not properly considered by the learned Rent Controller, which has also not been considered by the Rent Control Appellate Authority, may not be correct. Both the learned Rent Controller and the Rent Control Appellate Authority have carefully considered the materials placed before them and clearly concluded that the fair rent to be fixed for the premises in question shall be Rs.30,875.38/- and this Court feels that the said orders

concurrently made by the Courts below do not require any interference from this Court. Accordingly, the Civil Revision Petition fails and it is dismissed. No costs.

14-11-2019

Index : Yes / No
Internet : Yes / No
KST

To

1. The Subordinate Judge at Ponneri
2. The District Munsif, Thiruvottiyur

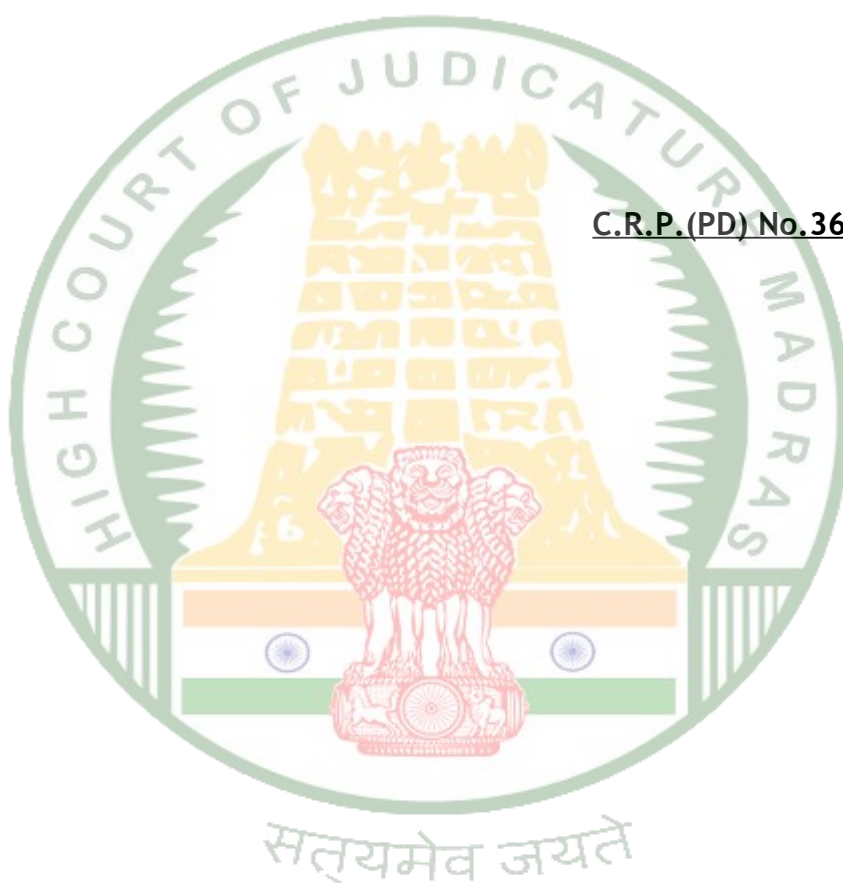


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R. SURESH KUMAR, J.

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