

A.No.6040 of 2019
in
CS.No.553 of 2017

K.KALYANASUNDARAM, J.

This application has been filed by the applicant seeking to order payment out of a sum of Rs.1,95,60,000/- along with its accumulated interest.

2. The applicant is the owner of the premises at Door No.29, Dr.P.V.Churian Crescent, Ethiraj Salai, Egmore, Chennai-600 008, in which, the respondent was a tenant on a monthly rent of Rs.45,150/-. The applicant filed RCOP.No.585 of 2013 to fix fair rent and the Rent Controller fixed the fair rent at Rs.9,47,000/- by his order dated 20.04.2017. On an appeal filed by the respondent, the Appellate Authority reduced the fair rent from Rs.9,47,000/- to Rs.8,81,060/-.

3. Challenging the order of the Appellate Authority two Civil Revision Petitions have been filed by the landlord and the tenant and the same are pending in CRP.Nos.518, 519 of 2018 and 678 of 2019 before this Court. During the pendency of the Civil Revision Petitions, this suit has been filed for recovery of differential amount of Rs.4,73,50,000/- between the contractual rent and the fair rent. The applicant filed an application in A.No.3220 of 2018 seeking direction to the respondent to furnish security for the suit claim and as per the order of this Court dated 16.07.2018, the respondent deposited a sum of Rs.2,00,00,000/- on 27.08.2018.

4. The learned counsel for the applicant would submit that the plaintiff is a senior citizen, aged about 72 years and she is in need of money. It is further submitted that if the amount is not returned, it will cause great prejudice to the applicant.

5. Per contra, the learned counsel for the respondent submitted that no finality is reached in fair rent proceedings and at this juncture, if the applicant is permitted to withdraw the amount and in the event of succeeding in the Civil Revision Petitions, the respondent is not in a position to recover the amount from the applicant.

6. It is to be noted that it was only a marginal reduction of fair rent determined by the Original authority. According to the appellate authority, the fair rent would be Rs.8,81,060/- not Rs.9,47,000/-. Comparing to the contractual rent and the suit claim, it would be appropriate to permit the applicant to withdraw a sum of Rs.1,00,00,000/- deposited before this Court along with proportionate accrued interest, if any. Accordingly, this application is ordered.

KMI

WEB COPY

25.09.2019

K.KALYANASUNDARAM, J.

KMI



A.No.6040 of 2019
in
CS.No.553 of 2017

WEB COPY

25.09.2019