

Orders Reserved on : 15.11.2019

Orders Delivered on : 20.12.2019

Application Nos.6409 and 6410 of 2019
in
C.S.No.177 of 1939

R.SUBBIAH, J

Application No.6409 of 2019 has been filed seeking to quash the proceedings of respondent dated 19.08.2019 in Dis.No.1271/2019/OTHC and for a consequential direction to the respondent to follow the terms of the lease deed dated 01.05.2012. Application No.6410 of 2019 has been filed to stay the aforementioned order of the respondent.

2. Heard learned counsel for applicant and learned Official Trustee, as also perused the materials on record.

3. Learned counsel for applicant submitted that the property situated at No.15, Sydoji Lane, Triplicane, Chennai - 600 005, was taken on lease by applicant's husband in a public action conducted by respondent in the year 2012 to run mansion business, which was already in existence for several years and a lease deed dated 01.05.2012 was also executed by respondent fixing the

monthly rent at Rs.47,000/- and a sum of Rs.1,41,000/- towards caution deposit and a sum of Rs.1,41,000/- towards rental advance was received. Applicant's husband died on 27.04.2019. Thereafter, applicant, as a sole legal heir, inherited the rights mentioned in the lease deed dated 01.05.2012. Applicant is paying the monthly rent without any default. While so, respondent issued a notice to the applicant and other occupants. In response to such notice, petitioner has given a reply on 23.07.2019 requesting the respondent to defer all further proceedings and to dispense with her appearance. However, without considering the same, respondent has issued the impugned proceedings dated 19.08.2019 terminating the lease for no reasons. Submitting as above, learned counsel seeks to quash the impugned proceedings of the respondent and consequently, direct the respondent to renew the lease deed dated 01.05.2012.

4. Learned counsel for Official Trustee submits that till date, the applicant is paying only a sum of Rs.47,000/- towards rent, which is very much on the lower side and hence, the same should be enhanced.

5. In response, learned counsel for applicant submits that the applicant is ready to pay a sum of Rs.90,000/- towards rent (Rs.10,000/- each for two commercial shops and Rs.70,000/- for the rest of portion).

6. This Court has considered the rival submissions.

7. Considering the submissions made, this Court directs the applicant to pay a sum of Rs.20,000/- p.m. + GST for two commercial shops and Rs.70,000/- (Rupees Seventy Thousand only) for the rest of the residential portion. There shall be an increase of 5% in the rent every year for a further period of five years.

Accordingly, the applications are disposed of with the above direction.

सत्यमेव जयते

20.12.2019

gm

WEB COPY

Application Nos.6409 and 6410 of 2019
in C.S.No.177 of 1939

R.SUBBIAH, J

gm



Pre-delivery order in
Application Nos.6409 and 6410 of 2019
in C.S.No.177 of 1939

WEB COPY

20.12.2019