

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(NPD) No.3532 of 2015
and M.P.No.1 of 2015

Kavika Associates,
by its Proprietor Gurunathan,
S/o. R.Alwar,
No.95, Kutchery Road,
Mylapore,
Chennai - 600 004.

... Petitioner

Vs.

P.Sathish Kumar

... Respondent

Prayer :- Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act to set aside the fair and decreetal order dated 20.10.2014 passed in R.C.A.No.588 of 2012 on the file of the learned IX Judge, Court of Small Causes, Chennai and also confirming judgment and decreetal order dated 02.12.2011 passed by the trial Court in R.C.O.P.No.2386 of 2008 on the file of the learned XIII Judge, Court of Small Causes, Chennai, and fix the fair rent as claimed in the petition itself by allowing the above Civil Revision Petition.

For Petitioner : Mr.R.Neelakandan
For Mr.V.K.Kumaraswamy

For Respondent : Mr.V.Lakshminarayanan

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 20.10.2014 passed by the learned IX Judge, Court of Small Causes, Chennai, in R.C.A.No.588 of 2012 confirming the judgment and decreetal order dated 02.12.2011 passed by the learned XIII Judge, Court of Small Causes, Chennai, in R.C.O.P.No.2386 of 2008 thereby fixing the fair rent for the petitioner's premises at Rs.7,527/- per month as fair rent.

2. The petitioner is the tenant under the respondent for non residential purpose on a monthly rent of Rs.900/- per month. The petition premises is type-I, class-A building aged about 40 years. Therefore, the respondent filed petition for fixing of fair rent for the petition premises. The respondent examined P.W.1 & P.W.2 and marked Ex.P.1 to Ex.P.3. The petitioner had examined R.W.1 & R.W.2 and marked Ex.R.1 to Ex.R.4. On

both side the engineers were examined as P.W.2 and R.W.2. Both the engineers were admitted that the petition premises is type I building and aged about 40 years.

3. Though the petitioner's engineer has stated that the building is aged about 60 years, no proof has been produced before the trial Court. Therefore, the learned Rent Controller had taken the age of the building as 45 years. Since the building classified as type-I, as per PWD specification 1% is given as depreciation for the petition premises. Based on the available materials on record and the amenities to the petition premises, the learned rent controller fixed at 5% towards the basic amenities to the total cost for construction of the building. The plinth area of the petition premises is about 281.75 sq.ft and the notional land value of the petition premises is fixed at rupees one crore per ground.

4. Considering those aspects, the learned Rent Controller fixed the fair rent at Rs.7,527/-. Aggrieved by the same, the petitioner preferred an appeal and the learned Rent Control Appellate Authority also confirmed

the fair rent fixed by the learned Rent Controller by observing that the petition premises situated at Kutchery Road, Mylapore and it is a prime locality. That apart, initially the petition premises was rented out for Xerox shop and now it is converted into an Advocate Office. Further the petitioner is paying the admitted rent without fail. Therefore, this Court finds no illegality or infirmity in the order passed by the Court below.

5. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous is closed.

19.01.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

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To

1. The IX Judge,
Court of Small Causes,
Chennai.
2. The XIII Judge,
Court of Small Causes,
Chennai.
3. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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