

C.M.P. No.10780 of 2021 in
C.R.P. No.3285 of 2019

V.BHAVANI SUBBAROYAN, J.

Heard Mr.Nagusah, learned counsel for the petitioner and Mr.S.Duraikkan Phillip, learned counsel for the respondent.

2. This petition is filed by the respondent / landlord to modify the order dated 07.06.2021 by directing the tenant to comply with the conditional order dated 05.02.2019 passed by the Rent Control Appellate Authority in RCA No.17 of 2012 and on his failure the Rent Controller shall be directed to pass appropriate orders in the RCOP No.1 of 2009 under Section 11(4) of the Tamilnadu Buildings Lease and Rent Control Act, 1960.

3. The learned counsel for the petitioner would contend that only if the respondent complies the appellate court's, [viz., R.C.A.No.17 of 2012] conditional order, he shall have the right to contest the above RCOP, his

memo of calculation of rents produced in the CRP could be considered, on the failure to comply with the said conditional order, the tenant would lose his right to contest the RCOP resulting in his eviction and therefore, the question of considering the tenant's memo of calculation by the rent controller will not arise.

4. Accordingly, Paragraph No.9 of the order dated 07.06.2021 in CRP No.3285 of 2019 is modified as follows:-

“9. In the present case on hand, the Rent Control Appellate Authority by order dated 05.02.2019 in RCA No.17 of 2012 has rightly come to the conclusion and modified the quantum of rent payable by the tenant by observing that *“the tenant is liable to pay Rs.3,53,500/- and subsequent rent from February 2019 at the rate of Rs.2,500/- per month till the date of final orders in RCOP No.1 of 2009, instead of rent at the rate of Rs.1,100/- per month.”* Since the same does not suffer from any irregularity in the eye of law, the said conditional order is hereby confirmed. Further, the tenant shall comply with the said conditional order within a period of eight weeks from the date of receipt of a copy of this order.”

In all other respects, the order dated 07.06.2021 shall remain
unaltered.

01.10.2021

**Note: Registry is directed to issue a
fresh modified order copy.**
ssd

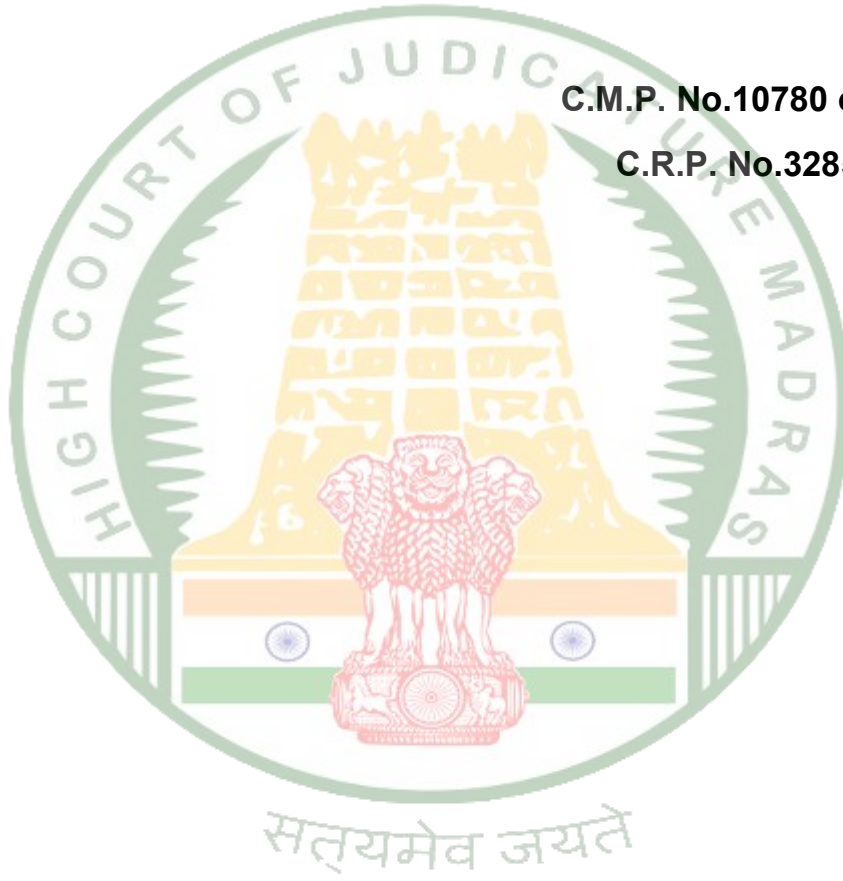


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