



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM :

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P.NO.2194 OF 2021

AND

C.M.P.NO.16625 OF 2021

A.S.Shahjahan

... Petitioner/ Petitioner

Vs

Rajamani

... Respondent/ Respondent

PRAYER :

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decreetal Order made in I.A. No. 6 of 2021 in R.C.O.P. No. 5 of 2019 and dated 23.08.2021 on the file of the Principal District Munsif, Erode.

For Petitioner : Mr. M.Arunachalam

O R D E R

This Petition is filed challenging the order passed in I.A. No. 6 of 2021 in R.C.O.P. No. 5 of 2019 by the Learned Principal District Munsif, Erode on 23.08.2021.

2. The Learned Counsel for the Petitioner submitted that I.A. No. 6 of 2021 was filed under Order XVI Rule 1(2) and Section 151 of the Civil Procedure Code granting leave for taking summon to the witness, viz., Assistant Revenue Officer, Corporation Zone-2, Periyasemur, Erode. The reason for filing this Petition is that the Petitioner filed the main R.C.O.P. No. 5 of 2021 for depositing rent into the Court. The Respondent put forth a fabulous sum of rent and that was denied by the Petitioner. The rent payable is Rs.10,000/- per month and not as alleged by the Respondent. In view of the dispute regarding the rent payable, the Court is obliged to fix the rent. Therefore, it is necessary to examine the appropriate authority from the City Municipal Corporation and elicit information regarding the annual rental value of the building and also to guide the Court regarding the rent preferable for the petition mentioned property. This petition was contested by the Respondent. On considering the rival submissions, the Learned Principal District Munsif, Erode dismissed the Petition. Against the said



dismissal order, this Petition is filed.

3.The Learned Counsel for the Petitioner submitted that the Respondent / Land lord is claiming Rs.33,000/- per month as rent. As per the Petitioner, the monthly rent payable is Rs.10,000/-. Therefore, it is necessary to find out what would be the appropriate rent to the premises by summoning the aforesaid official from the City Municipal Corporation.

4.Considered the submissions of the Learned Counsel for the Petitioner and perused the records.

5.R.C.O.P.No.5 of 2019 was filed by the Petitioner under Section 8 (5) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 for depositing the rent claiming that monthly rent is Rs.10,000/-. If the Petitioner feels that monthly rent claimed by the Respondent at Rs.33,000/- is too high and monthly rent is only Rs.10,000/-, he has to challenge the quantum of monthly rent or file a Petition under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 for fixing fair rent. He cannot seek to summon the official from City Municipal Corporation to produce Assistant Revenue Officer to find out the annual rental value.

6.There are well defined procedures under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 for fixing fair rent. The aforesaid official will no way help the Court in fixing the fair rent. Without resorting to filing a Petition under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 for fixing fair rent, filing of this Application is nothing but an exercise intending to protract the proceedings and causing unnecessary hardship to the Respondent. Therefore, this Petition is deserved to be dismissed with contempt and costs.

7.In this view of the matter, the order of the Learned Principal District Munsif, Erode is confirmed and this Civil Revision Petition is dismissed with the cost of Rs.5,000/- to be paid to the Respondent by the Petitioner. Only on payment of cost, the Petitioner may be permitted to proceed further with the original R.C.O.P.No.5 of 2019. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

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Sub Assistant Registrar



To

1. The Principal District Munsif Court,
Erode.
2. The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr. M.Arunachalam, Advocate, S.R.No.52974

C.R.P.NO.2194 OF 2021
AND
C.M.P.NO.16625 OF 2021

KK (CO)
PM/28/10/2021