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CRP (NPD) No. 2892 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.12.2021**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (NPD) No. 2892 of 2021

V.K.Rajendran

... Petitioner/Appellant/Petitioner

Vs

The Manager
Lakshmi Vilas Bank Limited.,
Vridhachalam

... Respondent/Respondent/Respondent

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act, against the Judgment and decree dated 27.08.2021 passed in C.M.A.No. 1 of 2018 on the file of the Principal Sub Court, Vridhachalam, confirming the fair and decretal orders dated 06.09.2017 passed in RCOP No.3 of 2012 before the Rent Controller cum Principal District Munsif, Vridhachalam.

For Petitioner : Mr. R. Meenal



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ORDER

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This Revision is against an order made in proceedings for fixation of fair rent under Section 4 of the Tamil Nadu Buildings Lease and Rent Control Act.

2. The petitioner, who is the owner of the building sought for fixation of fair rent for the premises under the occupation of the tenant at Rs.60,000/- per month. The same was resisted by the Bank, which is a tenant. Before the Rent Controller, an Engineer was engaged to calculate the fair rent in accordance with the provisions of the Tamil Nadu Buildings Lease and Rent Control Act. He filed a report assessing the fair rent at Rs.25,300/-. The learned Rent Controller accepted the report entirety and fix Rs.25000/- as the fair rent payable.

3. Aggrieved against the same, the Landlord preferred an appeal before the Appellate Court and in the Appeal, the landlord made another grievance that the fee paid by him to the Engineer, namely, Rs.50,600/- was not taxed as cost in the RCOP.



4. The Appellate Court affirmed the findings of the trial Court on the merits and held that the fixation of fair rent is just and reasonable. The appellate Court did not recorded any finding on the fee payable to the Engineer. Hence, this Revision.

5. Mrs. R.Meenal, learned counsel for the petitioner, would vehemently contend that the fee paid to the Engineer should also have been taxed as costs in the RCOP as its huge amount. I am unable to subscribe to the contention of the learned counsel for the petitioner. In a proceeding for fixation of fair rent, both the landlord and the tenant are expected to lead evidence and place the best evidence before the Court. In the process, they may have engage certain professionals and produce their reports as evidence.

6. Under Sub-section 6 of Section 10 of the Tamil Nadu Buildings Lease and Rent Control Act, the Rent Controller is empowered cost of Rs.50/- when the Controller records a finding that the application for eviction filed by the landlord is frivolous or vexatious. Other than that there is no provision under the Act for awarding of costs incurred for procuring



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the evidence or the fee paid to the experts as costs. Hence, I do not find any reason to entertain this Revision. Hence, this Revision fails and accordingly, it is dismissed. No costs.

23.12.2021

vsg

Index: Yes/No

Speaking order / Non speaking order

To:

1. Principal District Munsif, Vridhachalam.
2. The Section Officer,
VR Section,
Madras High Court, Chennai.



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R.SUBRAMANIAN, J.

Vsg

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