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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM:

THE HONOURABLE Mrs.JUSTICE S.KANNAMMAL

C.R.P. No. 4780 and 4781 of 2017
and CMP Nos.3779 of 2019 and 20433 of 2018

M.Thangaraj

...Petitioner/Petitioner
in both CRPs

Vs.

1.K.Ravindran
2.K.Rammohan
3.K.Rajeshwari
4.Seethalakshmi
5.K.Rukmani

...Respondents/respondents
in both CRPs

Prayer: Civil Revision Petitions are filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 to set aside the order and judgment of the VII Judge, Court of Small causes, Madras (Appellate Authority) dated 22.09.2017 in RCA Nos.704 of 2012 and 715 of 2012 reversing the order and judgment dated 28.09.2012 of the XV Judge, Court of Small Causes, Madras (Rent Controller) in RCOP No.297 of 2010.

For Petitioner : Mr.J.Hariharan for
M/s.KV Law Firm

For Respondents : Mr.J.R.K.Bhavananthan

COMMON ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. These Civil Revision Petitions are arising out of the common order passed in RCA Nos.704 of 2012 and 715 of 2012 dated 22.09.2017 by the VII Judge, Court of Small causes, Madras (Appellate Authority), reversing the order and judgment dated 28.09.2012 of the XV Judge, Court of Small Causes, Madras (Rent Controller) in RCOP No.297 of 2010.



3. The petitioner is the owner. The father of the respondents is the tenant of the petition premises on a monthly rent of Rs.800/-. After the demise of the father, the premises has been let out to the respondents for non residential purpose. The rent is being credited to R.C.O.P.No.1775/1995. Since the rent paid is very low as per the prevailing fair rent payable, the petitioner filed a petition in R.C.O.P.No.297 of 2010 before the XIV Court of Small Causes, Chennai, for fixing the fair rent under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act. The trial Court, considering the oral and documentary evidence adduced on either side, allowed the petition by fixing the fair rent at Rs.9,600/- per month with 12% interest from the date of petition. Aggrieved by the same, the respondents filed appeal in R.C.A.No.715 of 2012 and the petitioner filed R.C.A.No.704 of 2012 for setting aside the order of the trial Court dated 28.09.2012.

4. The first appellate Court, on considering the facts and circumstances and the judgment rendered by the learned Rent Controller, dismissed the appeal filed by the petitioner and allowed the appeal filed by the respondents/tenant by fixing the fair rent at Rs.9,250/- per month from the date of filing of RCOP No.297/2010. Aggrieved by the said dismissal of the appeal, the petitioner/land owner is before this Court with these revision petitions.

5. When these Civil Revision Petitions came up for hearing today, it is submitted by the learned counsel for the petitioner that the petitioner is agreed to receive the fair rent fixed by the first appellate Court.

6. The learned counsel for the respondents also agreed for the same.

7. In view of the said submission made by both sides, nothing survives for adjudication in these Civil Revision Petitions. Accordingly, these Civil Revision Petitions are disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(I)

// True Copy //

Sub Assistant Registrar



To

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1.The VII Judge, Court of Small causes,
Madras

2.The XV Judge, Court of Small Causes,
Madras (Rent Controller)

+2cc to Mr.K.Murali, Advocate SR.No.59611, 59612

+1cc to Mr.J.R.K.Bhavanantham, Advocate SR.No.59211

C.R.P.Nos.4780 and 4781 of 2017

SR(CO)

CB(09/12/2021)