

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(NPD).No.3675 of 2018
and C.M.P.No.20466 of 2018

1.The Central Bank of India,
Rep. by its Regional Manager,
Variety Hall Road,
Coimbatore - 641 001.

2.Central Bank of India,
Rep. by its Branch Manager,
Peelamedu Branch,
Coimbatore - 641 018.

... Petitioners

Vs

N.Rajammal (deceased)

A.R.Srinivasan

... Respondent

Prayer: Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act of 18 of 1960 as amended by Act 23 of 1973 and Act 1 of 1980, against the Fair and Decretal Order passed in R.C.A.No.10 of 2012 dated 11.09.2017 on the file of Learned Principal

Subordinate Judge, Coimbatore affirming the Fair and Decretal Order passed in R.C.O.P.No.103 of 2000 dated 09.11.2011 on the file of Rent Controller / Principal District Munsif Court, Coimbatore for fixing the fair rent at Rs.33,409/- per month is liable to be set aside.

For Petitioners : Mr.FB.Benjamin George

For Respondent : Mr.K.S.Karthik Raja

ORDER

The Civil Revision Petition is filed against the Fair and Decretal Order passed in R.C.A.No.10 of 2012 dated 11.09.2017 on the file of Learned Principal Subordinate Judge, Coimbatore affirming the Fair and Decretal Order passed in R.C.O.P.No.103 of 2000 dated 09.11.2011 on the file of Rent Controller / Principal District Munsif Court, Coimbatore, thereby confirming the order passed by the learned Rent Controller thereby fixing the fair rent for the petition premises at Rs.33,409/- per month.

2. The petitioners are the tenants and the respondent is the landlord.

The landlord filed the petition for fixation of fair rent for the petition premises. The learned Rent Controller fixed the fair rent for the petition premises at Rs.33,409/-. Aggrieved by the same, the petitioners herein filed an appeal and the learned Rent Control Appellate Authority confirmed the fair rent fixed by the learned Rent Controller. Aggrieved by the same, the present Civil Revision Petition is filed.

3. The learned counsel for the petitioners would submit that the market value of the petition premises was fixed on the basis of the sale deed which was marked as Ex.P6 by the learned Rent Controller, which is higher value than the petition premises. That apart, to substantiate Ex.P6, no one was examined by the landlord. Therefore, the fixation of fair rent for the petition premises is very high and liable to be reduced. She further submits that, in the year 2004 itself, the petitioners vacated the premises and as such prayed to allow the Civil Revision Petition.

4. On a perusal of the records, it is revealed that the petitioners are the

tenant and respondent is the landlord. The petitioners are carrying Banking business for the petition premises from the year 1978. The monthly rent paid by the petitioners is at Rs.4500/- and that the petitioners have agreed to pay enhanced rent, however, they failed to pay the enhanced rent and as such, the landlord filed the Civil Revision Petition for fixation of the fair rent and the petition premises is admeasuring 12 cents and 200 sq.ft of total land admeasuring 5427 sq.ft. In fact, the property tax itself comes around at Rs.16,910/- for half yearly.

5. On the side of the landlord, he examined P.W.1 to P.W.3 and marked Ex.P1 to Ex.P6 and on the side of the tenant they examined R.W.1 and R.W.2 and marked Ex.R1 and Ex.R2. The Commissioner / Engineer's report was also marked as Ex.C1.

6. As per the commissioner's report, the market value of the petition premises is fixed at Rs.44,26,361/-. After considering the Engineer's report submitted by the petitioners marked as Ex.R1 and Ex.R2, the market value of the petition premises is fixed at Rs.31,84,839/- and after considering the age of the building the monthly rent is fixed at Rs.33,409/-. The value of

the building is valued at Rs.556/- per sq.ft. Accordingly, the total value of the building is valued at Rs.4,38,727/-. Considering the Commissioner's report the Courts below had rightly fixed the monthly rent at Rs.33,409/-. Therefore, this Court finds no infirmity or illegality in the order passed by the Courts below.

7. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No order as to costs.

29.06.2021

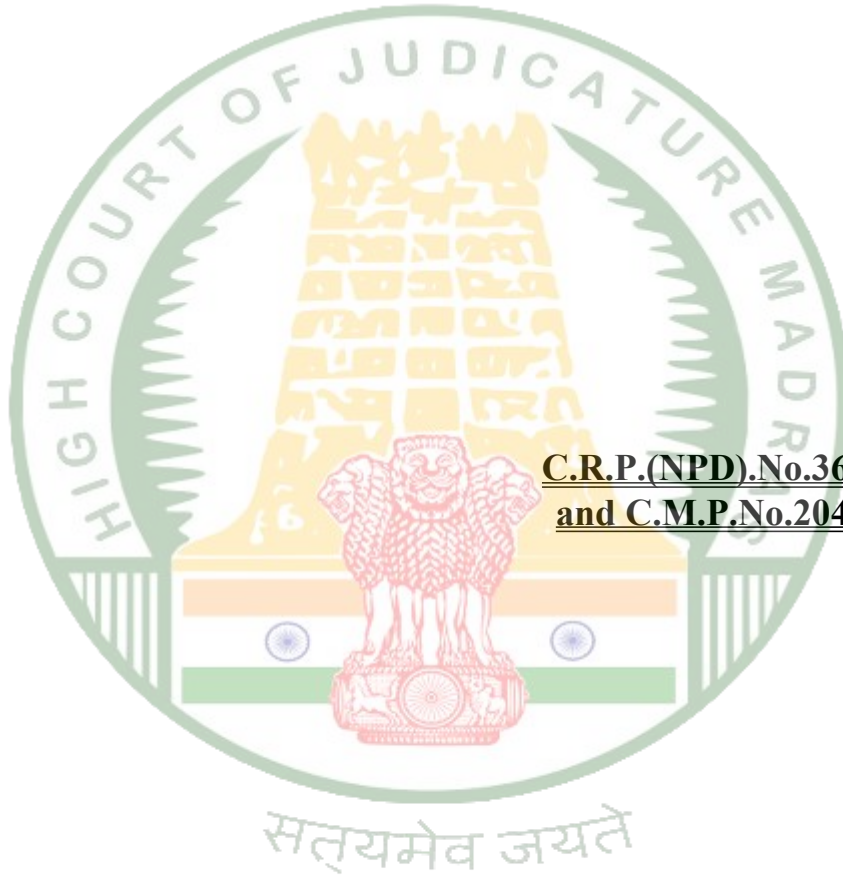
Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To

- 1.The Principal Subordinate Judge,
Coimbatore.
- 2.The Rent Controller / Principal District Munsif Court,
Coimbatore.

G.K.ILANTHIRAIYAN. J,

rna



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