

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.4037 of 2018

and

CMP.No.22333 of 2018

1.Shanthi Stores
Rep. by its Partner,
S.Bhaskar
2.S.Thillainathan
3.S.Shankar

..Petitioners

Vs.

Gunasundari

..Respondent

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the fair and decretal order of the XVI Additional Judge(FAC) of XIX Additional City Civil Court, Chennai passed in IA.No.10 of 2017 in OS.No.5596 of 2017 dated 12.06.2018

For Petitioners : Mr.Antony Jesus J

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed against the fair and decretal order of the XIX Additional City Civil Court, Chennai passed in

IA.No.10 of 2017 in OS.No.5596 of 2017 dated 12.06.2018, thereby dismissing the petition to leave to defend the suit.

2. The petitioners are the tenants and the respondent is the landlord. The respondent filed suit for recovery of arrears of rent to the tune of Rs.23,58,741/- with interest at the rate of 18% per annum. In the said suit, the petitioners filed petition to leave to defend and the same was dismissed and aggrieved by the same, the present civil revision petition has been filed.

3. The case of the petitioners is that they are the tenants in the petition premises which was rented out to them by the respondent for monthly rent of Rs.4,500/-. The respondent filed petition for fixation of fair rent in RCOP.No.652 of 2011 and the learned Rent Controller fixed fair rent at Rs.35,153/- per month from the date of the petition i.e. 01.04.2011. Aggrieved by the same, the petitioners preferred appeal in RCA.No.137 of 2014. However, the RCA was dismissed for default. At that juncture, the respondent filed suit for recovery of arrears of rent. In the meanwhile, the petitioners filed petition to restore the RCA and the same was allowed. Thereafter, the main RCA itself was partly allowed. The learned Rent Control Appellate Authority reduced the rent from Rs.35,153/- to Rs.25,300/- as monthly rent payable by the

petitioners herein. Therefore, the suit itself is premature one and the petitioners have got valid defence to defend the suit.

4. In view of the above, this civil revision petition is allowed and the order of the XIX Additional City Civil Court, Chennai passed in IA.No.10 of 2017 in OS.No.5596 of 2017 dated 12.06.2018 is set aside. The petitioners are directed to file their written statement within a period of two weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

30.07.2021

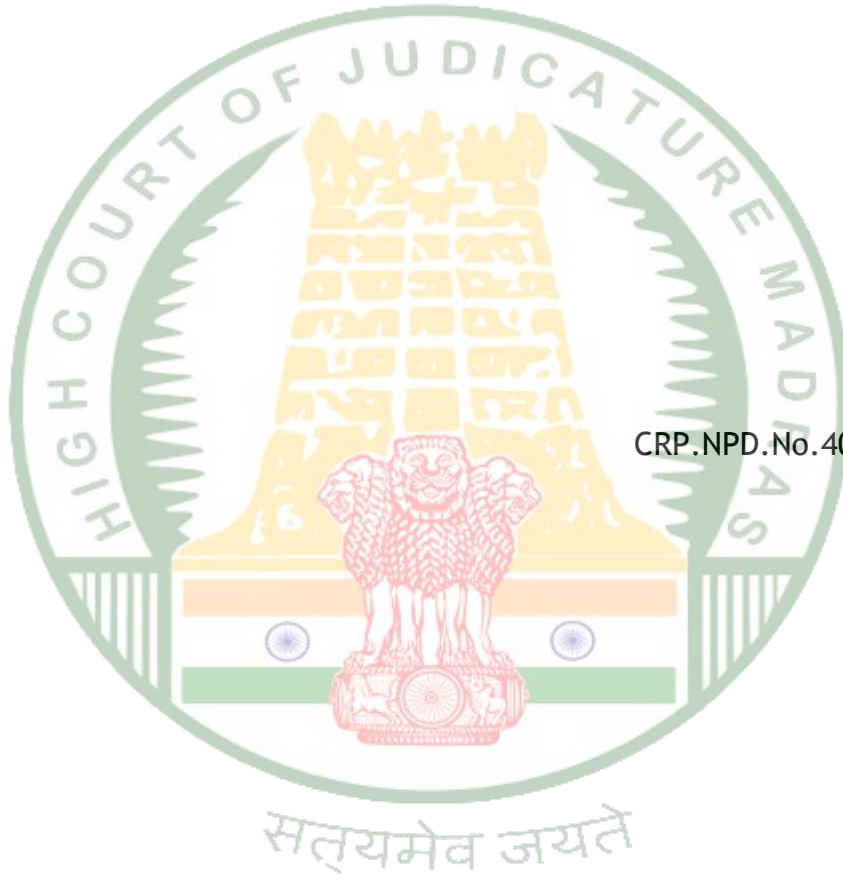
Speaking/Non-speaking order
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To
The XIX Additional Judge,
City Civil Court,
Chennai

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G.K.ILANTHIRAIYAN,J.

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