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CRP(PD)Nos.2300, 2301, 2295 & 2575/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)Nos.2300, 2301, 2295 & 2575 of 2021
& CMP.Nos.17383, 17366 of 2021

CRP(PD)Nos.2300, 2301, 2295/2021

Mahalakshmi Bangle Stores,
Rep by its Partner,
Kantilal Lasaji.

... Petitioner

Vs.

Tegchand Pukhraj

... Respondent

CRP(PD)No.2575/2021

Tegchand Pukhraj

... Petitioner

Vs.

Mahalakshmi Bangle Stores,
Rep by its Partner,
Kantilal Lasaji.

... Respondent



CRP(PD)Nos.2300, 2301, 2295 & 2575/2021

PRAYER in CRP/2300/2021: The Civil Revision Petition is filed under Section 25 of the Tamil Nadu Rent Control Act 18 of 1960 as amended by Act 23 of 1973 & 1 of 1980, against the common order passed by the VII Small Causes Court (Appellate Authority) at Chennai, dated 26.08.2021 in R.C.A.No.431 of 2015 dismissing the appeal and modified the order dated 23.06.2015 passed by the X Court of Small Causes at Chennai (Rent Controller) in R.C.O.P.No.2209 of 2012 fixing the fair rent for the petition premises.

PRAYER in CRP/2301/2021: The Civil Revision Petition is filed under Section 25 of the Tamil Nadu Rent Control Act 18 of 1960 as amended by Act 23 of 1973 & 1 of 1980, against the common order passed by the VII Small Causes Court (Appellate Authority) at Chennai, dated 26.08.2021 in R.C.A.No.513 of 2016 allowing the appeal and modifying the order dated 23.06.2015 passed by the X Court of Small Causes at Chennai (Rent Controller) in R.C.O.P.No.2209 of 2012 fixing the fair rent for the petition premises.

PRAYER in CRP/2295/2021: The Civil Revision Petition is filed under Section 25 of the Tamil Nadu Rent Control Act 18 of 1960 as amended by Act 23 of 1973 & 1 of 1980, against the common order passed by the VII Small Causes Court (Appellate Authority) at Chennai, dated 26.08.2021 in



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R.C.A.Nos.432 of 2015 dismissing the appeal and confirming the order dated 23.06.2015 passed by the X Court of Small Causes at Chennai (Rent Controller) in R.C.O.P.No.2214 of 2012 fixing the fair rent for the petition premises.

PRAYER in CRP/2575/2021: The Civil Revision Petition is filed under Section 25 of the Tamil Nadu Rent Control Act 18 of 1960 as amended by Act 23 of 1973 & 1 of 1980, to set aside the order passed by the Hon'ble VII Judge Small Causes Court, Chennai in R.C.A.513 of 2016 dated 26.08.2021 in so far as restricting the Fair Rent at Rs.49,258/- and modifying the order passed by the Hon'ble X Small Causes Court, Chennai in RCOP.No.2209 of 2012 dated 23.06.2015 in so far as restricting the rent at Rs.37,179/-.

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For Petitioner : Mr.A.K.Raghavulu
For Respondent : Mr.Vikram U.Jain

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For Petitioner : Mr.A.K.Raghavulu
For Respondent : Mr.Vikram U.Jain



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COMMON ORDER

All these Revisions are between certain Mahalakshmi Bangle Stores and Tegchand Pukhraj. Of them, Tegchand Pukhraj is the landlord and Mahalakshmi Bangle Stores is the tenant.

2.The landlord has instituted RCOP.No.2209 of 2012 for fixation of fair rent under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 and RCOP.No.2214 of 2012 for eviction of the tenant under Section 14(1)(b) of the said Act. Both came to be allowed.

3.So far as RCOP.No.2209 of 2012 is concerned, both the landlord and the tenant felt aggrieved by the rent fixed by the Rent Controller. Challenging the same, the landlord preferred RCA.No.513 of 2016 and the tenant had preferred RCA.No.431 of 2015. Both these appeals came to be decided by the appellate Authority Vide a common order by which, he dismissed the appeal of the tenant and partly allowed the appeal of the landlord. This now gave raise to three Revisions. While, the tenant has come forward with CRP.No.2300 and 2301 of 2021, the landlord has preferred CRP.No.2575 of



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4.Turning to the RCOP.No.2214 of 2012 filed for eviction, as indicated earlier the rent controller had ordered eviction on the grounds stated. The tenant preferred RCA.No.432 of 2015 unsuccessfully and he now challenges the said order of the Appellate Authority in CRP.No.2295 of 2021.

5.Today, the tenant Mahalakshmi Bangle Stores has filed an undertaking wherein, he agreed to pay the sum of money that remains to be paid within a period of 12 month, whose details are provided in the compromise memo and has also undertaken to vacate the premises in 12 months time.

6.The learned counsel for the landlord made a statement on instructions that the landlord agrees to this.

7.The affidavit of undertaking filed by the tenant and the Memorandum of Joint Compromise entered into between the parties are recorded.



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8.In view of the compromise now arrived between the parties, CRP.No.2575 of 2021 is closed. No costs.

9.The Civil Revision Petitions in CRP(NPD)Nos.2300, 2301, 2295 of 2021 are disposed of in terms of the compromise memo. No costs. Consequently, the connected miscellaneous petitions are closed. The compromise memo shall form part of the order.

05.04.2022

Index : Yes/No
Internet : Yes / No
Speaking /Non Speaking
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To
The VII Small Causes Court (Appellate Authority),
Chennai.



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N.SESHASAYEE, J.,

Tsg

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